

## **APPENDIX B: STATE MMA AND ADJACENT TERRESTRIAL AREA CLASSIFICATIONS WITH RELATED STATUTES AND REGULATIONS**

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## **APPENDIX B: STATE MARINE MANAGED AREA AND ADJACENT TERRESTRIAL AREA CLASSIFICATIONS WITH RELATED STATUTES AND REGULATIONS**

### **CALIFORNIA STATE CONSTITUTION**

#### Pertinent sections:

#### **ARTICLE 1: DECLARATION OF RIGHTS**

Sec. 25. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

#### **ARTICLE 4: LEGISLATIVE**

##### **SEC. 20.**

(a) The Legislature may provide for division of the State into fish and game districts and may protect fish and game in districts or parts of districts.

(b) There is a Fish and Game Commission of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 6-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. The Legislature may delegate to the commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. A member of the commission may be removed by concurrent resolution adopted by each house, a majority of the membership concurring.

#### **ARTICLE 10: WATER**

SEC. 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

SEC. 3. All tidelands within two miles of any incorporated city, city and county, or town in this State, and fronting on the water of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations; provided, however, that any such tidelands, reserved to the State solely for street purposes, which the Legislature finds and declares are not used for navigation purposes and are not necessary for such purposes may be sold to any town, city, county, city and county, municipal corporations, private persons, partnerships or corporations subject to such conditions as the Legislature determines are necessary to be imposed in connection with any such sales in order to protect the public interest.

SEC. 4. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public

purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

SEC. 7. Whenever any agency of government, local, state, or federal, hereafter acquires any interest in real property in this State, the acceptance of the interest shall constitute an agreement by the agency to conform to the laws of California as to the acquisition, control, use, and distribution of water with respect to the land so acquired.

#### ARTICLE 10A WATER RESOURCES DEVELOPMENT

SEC. 1. The people of the State hereby provide the following guarantees and protections in this article for water rights, water quality, and fish and wildlife resources.

SEC. 2. No statute amending or repealing, or adding to, the provisions of the statute enacted by Senate Bill No. 200 of the 1979-80 Regular Session of the Legislature which specify (1) the manner in which the State will protect fish and wildlife resources in the Sacramento-San Joaquin Delta, Suisun Marsh, and San Francisco Bay system westerly of the delta; (2) the manner in which the State will protect existing water rights in the Sacramento-San Joaquin Delta; and (3) the manner in which the State will operate the State Water Resources Development System to comply with water quality standards and water quality control plans, shall become effective unless approved by the electors in the same manner as statutes amending initiative statutes are approved; except that the Legislature may, by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, amend or repeal, or add to, these provisions if the statute does not in any manner reduce the protection of the delta or fish and wildlife.

#### ARTICLE 10B MARINE RESOURCES PROTECTION ACT OF 1990

See the marine resource protection act Ecological Reserve subsection below.

#### ARTICLE 13: TAXATION

SEC. 8. To promote the conservation, preservation and continued existence of open space lands, the Legislature may define open space land and shall provide that when this land is enforceably restricted, in a manner specified by the Legislature, to recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses. To promote the preservation of property of historical significance, the Legislature may define such property and shall provide that when it is enforceably restricted, in a manner specified by the Legislature, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

## DEPARTMENT OF FISH AND GAME

### Pertinent General Fish and Game Code sections:

200. There is hereby delegated to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles to the extent and in the manner prescribed in this article. No power is delegated to the commission by this article to regulate the taking, possessing, processing, or use of fish, amphibia, kelp, or other aquatic plants for commercial purposes, and no provision of this code relating or applying thereto, nor any regulation of the commission made pursuant to such provision, shall be affected by this article or any regulation made under this article.

201. Nothing in this article confers upon the commission any power to regulate any natural resources or commercial or other activity connected therewith, except as specifically provided.

202. The commission shall exercise its powers under this article by regulations made and promulgated pursuant to this article. Regulations adopted pursuant to this article shall not be subject to the time periods for the adoption, amendment, or repeal of regulations prescribed in Sections 11343.4, 11346.4, and 11346.8 of the Government Code.

203. Any regulation of the commission pursuant to this article relating to resident game birds, game mammals and furbearing mammals may apply to all or any areas, districts, or portions thereof, at the discretion of the commission, and may do any or all of the following as to any or all species or subspecies:

- (a) Establish, extend, shorten, or abolish open seasons and closed seasons.
- (b) Establish, change, or abolish bag limits and possession limits.
- (c) Establish and change areas or territorial limits for their taking.
- (d) Prescribe the manner and the means of taking.
- (e) Establish, change, or abolish restrictions based upon sex, maturity, or other physical distinctions.

203.1. When adopting regulations pursuant to Section 203, the commission shall consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony.

204. The commission has no power under this article to make any regulation authorizing or permitting the taking of:

- (a) Any bird or mammal in any Refuge heretofore or hereafter established by statute, the taking or possession of which shall be regulated pursuant to Sections 10500 to 10506, inclusive.
- (b) Elk, the taking or possession of which shall be regulated pursuant to Section 332.
- (c) Antelope, the taking or possession of which shall be regulated pursuant to Section 331.
- (d) Any spike buck or spotted fawn. "Spotted fawn" means a young deer born that year which has spotted pelage. "Spike buck" means a male deer with unbranched antlers on both sides which are more than three inches in length. Any regulation establishing a season to

compensate for closure of an area due to extreme fire hazard shall be made pursuant to Section 306. Any regulation setting a special hunting season for mammals, except deer, or game birds which have increased in number to such an extent that a surplus exists or which are damaging property or are overgrazing their range shall be made pursuant to Section 325.

205. Any regulation of the commission pursuant to this article which relates to fish, amphibia, and reptiles, may apply to all or any areas, districts, or portion thereof, at the discretion of the commission, and may do any or all of the following as to any or all species or subspecies:

- (a) Establish, extend, shorten, or abolish open seasons and closed seasons.
- (b) Establish, change, or abolish bag limits, possession limits, and size limits.
- (c) Establish and change areas or territorial limits for their taking.
- (d) Prescribe the manner and the means of taking.

219. Any regulation adopted pursuant to this article may supersede any section of this code designated by number in the regulation, but shall do so only to the extent specifically provided in the regulation. A regulation which is adopted pursuant to this section shall be valid only to the extent that it makes additions, deletions, or changes to this code under one of the following circumstances:

- (a) The regulation is necessary for the protection of fish, wildlife, and other natural resources under the jurisdiction of the commission.
- (b) The commission determines that an emergency exists or will exist unless the action is taken. An emergency exists if there is an immediate threat to the public health, safety, and welfare, or to the population or habitat of any species.

A regulation which is adopted pursuant to this section shall be supported by written findings adopted by the commission at the time of the adoption of the regulation setting forth the basis for the regulation. A regulation adopted pursuant to this section shall remain in effect for not more than 12 months from its effective date.

220. (a) Any regulation of the commission added or amended pursuant to this article shall remain in effect for the period specified therein or until superseded by subsequent regulation of the commission or by statute.

(b) Notwithstanding this article, the commission may add, amend, or repeal regulations at any regular or special meeting if facts are presented to the commission which were not presented at the time the original regulations were adopted and if the commission determines that those regulations added, amended, or repealed are necessary to provide proper utilization, protection, or conservation of fish and wildlife species or subspecies.

## **Reserves**

### Administrative and Statutory Authority and Reference

14 Cal. Code of Regs. 27.20-27.51

### 14 Cal. Code of Regs.

27.20. Duxbury Reef Reserve (Marin Co.).

In the Duxbury Reef area in Marin County no fish except abalone, Dungeness crabs, rock crabs, rockfish, lingcod, cabezon, surfperch, halibut, flounder, sole, turbot, salmon, kelp greenling, striped bass, steelhead, monkeyface-eel, wolf-eel, smelt and silversides may be taken between the high tide mark and 1,000 feet beyond the low tide mark at any place on the coastline or any reef or rock situated between the westerly extension of the southerly boundary of the Pt. Reyes National Seashore and the southerly extension of the centerline of Kale Road in Bolinas Beach. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department issued pursuant to Section 650 of these regulations.

**27.25. Gerstle Cove Reserve (Sonoma Co.).**

No form of marine life may be taken within 600 feet of the high water line in the most northerly portion of Gerstle Cove, Sonoma Co., without a written permit from the department issued pursuant to Section 650 of these regulations.

**27.30. Point Reyes Headlands Reserve (Marin Co.).**

No form of marine life may be taken from the ocean area within 1,000 feet of the high tide mark in the Pt. Reyes Headlands bounded on the west by a line extending due west (true) from Pt. Reyes Lighthouse and on the east by a line extending due east (true) from Chimney Rock, without a written permit from the department issued pursuant to Section 650 of these regulations.

**27.35. Estero de Limantour Reserve (Marin Co.).**

No form of marine life may be taken below the high water mark in Estero de Limantour without a written permit from the department issued pursuant to Section 650 of these regulations. Estero de Limantour includes all tideland waters to high water mark in an easterly direction from a line drawn due north (true) from the extreme westerly point of Limantour Spit issued pursuant to Section 650 of these regulations.

**27.40. Lover's Cove Reserve, Santa Catalina Island (Los Angeles Co.).**

No form of marine life may be taken in those waters adjacent to Catalina Island beginning at the most southeasterly corner of the Cabrillo Wharf (the wharf for ocean-going vessels on the seaward side of the peninsula), then extending a line seaward, perpendicular to the seaward face of the wharf, to a point approximately 100 yards from the mean tide line, then turning in a southeasterly direction and following the alignment of the mean tide line at a distance of 100 yards from the mean tide line continuing through Lover's Cove, around Abalone Point, and continuing to a point approximately 430 feet easterly of Abalone Point, commonly known as "Ring Rock," then returning to shore on a line perpendicular to the Pebble Beach Road.

**27.42. Pismo Invertebrate Reserve (San Luis Obispo Co.).**

No invertebrate may be taken between the high tide mark and 1,000 feet beyond the low tide mark in that portion of a beach commonly known as Pismo-Ocean Beach lying between the Grand Avenue ramp and a point .3 mile north of the Grand Avenue ramp.

**27.45. Point Cabrillo Reserve (Mendocino County).**

No form of marine life may be taken from the ocean area within 1,000 feet of the high tide mark in the vicinity of Point Cabrillo U.S. Coast Guard Lighthouse, bounded by lines extending due west (magnetic) 2,500 feet north and 1,600 south of the lighthouse.

**27.50. Point Loma Reserve (San Diego Co.).**

Between a point approximately 300 yards easterly from the Point Loma Light and a point approximately 1/2 mile northwesterly of the light, no plant or invertebrate marine life may be taken between the high tide mark and 150 feet beyond the mean lower low tide mark.

**27.51. Robert W. Crown Reserve (Alameda Co.).**

No plant or invertebrate marine life may be taken between the high tide mark and 150 feet beyond the mean lower low tide mark in that portion of Robert W. Crown Memorial State Beach between the base of the jetty on the northwesterly corner of Crab Cove and a point approximately 2,800 feet southeasterly along the shoreline of Crab Cove opposite the bath house/restroom complex. Hook-and-line fishing is permitted in this area for fin fish only.

**Classification Intent**

No legally mandated mission accompanies the Reserves classification. Each reserve was created on a case-by-case basis. Since these areas were established by the Fish and Game Commission, the authority to restrict collection or harvest does not pertain to commercial fishing. Some reserves prohibit the recreational collection or harvest of all forms of marine life, others prohibit the collection or harvest of all invertebrates and/or plants only, and one allows the collection or harvest of specified fishes and invertebrates.

**Designation Process and Authority**

There are several steps to the designation process. A Reserve may be proposed by any agency, organization, or member of the general public. A proposal must be submitted to FGC to consider the adoption of the Reserve and accompanying regulations. Following review and approval of the proposal at FGC meeting, a Public Notice of Intent to adopt regulations, including a timetable for potential hearings, is made available to appropriate agencies and organizations. All written comments submitted to FGC regarding the regulations must then receive a response. If necessary, one or more hearings will be held for further comment and discussion. Following the comment period, a Pre-adoption Statement is prepared, summarizing all of the comments received and explaining how these suggestions may have been incorporated into the proposal. A final public hearing is then held to make a decision regarding the adoption of the regulations. If adopted, FGC must provide a Final Statement, which includes the intent of regulations, comments, and all comment responses, to the Office of Administrative Law (OAL). OAL then has 30 days to review the Statement. After review and approval by OAL, FGC amends the California Code of Regulations to add the new reserve.

**Responsible Agency**

FGC has the legal authority to designate reserves, and DFG manages designated sites.

**Regulations**

Regulations are developed on a case-by-case basis.

### Location of Designated Sites

Reserves can be designated anywhere in California. There are currently seven marine and two estuarine Reserves along the coast of California.

### **Ecological Reserves**

#### Administrative and Statutory Authority and Reference

Ecological Reserve Act of 1968; Fish and Game Code, Sections 1580-1586. Designations are made under 14 Cal. Code of Regs., Section 630.

#### Fish and Game Code

1580. The Legislature hereby declares that the policy of the state is to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and aquatic, or large heterogeneous natural marine gene pools for the future use of mankind through the establishment of Ecological Reserves. For the purpose of establishing those Ecological Reserves, the department, with the approval of the commission, may obtain, accept on behalf of the state, acquire, or control, by purchase, lease, easement, gift, rental, memorandum of understanding, or otherwise, and occupy, develop, maintain, use, and administer land, or land and water, or land and water rights, suitable for the purpose of establishing Ecological Reserves. Any property obtained, accepted, acquired, or controlled by the department pursuant to this article may be designated by the commission as an Ecological Reserve. The commission may adopt regulations for the occupation, utilization, operation, protection, enhancement, maintenance, and administration of Ecological Reserves. The Ecological Reserves shall not be classified as wildlife management areas pursuant to Section 1504 and shall be exempt from Section 1504.

1581. Any property acquired in fee for Ecological Reserves shall be acquired in the name of the state, and shall, at all times, be subject to such rules and regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as Ecological Reserves.

1582. The department shall do all things necessary to secure a valid title in the state to the property acquired in fee for Ecological Reserves but no payment shall be made therefor until the title is vested in and satisfactory to the state. No such land will be acquired by eminent domain.

1585. Notwithstanding Section 1580, which sets forth the primary purposes of Ecological Reserves, the department may construct facilities and conduct programs in Ecological Reserves it selects to provide natural history education and recreation if those facilities and programs are compatible with the protection of the biological resources of the reserve. As provided in Sections 1764 and 1765, the department may control access, use, and collect fees for selected Ecological Reserves.

#### 14 Cal. Code of Regs.

630. Ecological Reserves.

The areas specified in this chapter have been declared by the Fish and Game Commission to be Ecological Reserves. A legal description of the boundaries of each Ecological Reserve is on file at the department's headquarters, 1416 Ninth Street, Sacramento. Ecological Reserves are established to provide protection for rare, threatened or endangered native plants, wildlife, aquatic organism and specialized terrestrial or aquatic habitat types. Public entry and use of Ecological Reserves shall be compatible with the primary purposes of such reserves, and subject to the ... applicable general rules and regulations, except as otherwise provided for in the special area regulations.

(a) General Rules and Regulations:

(1) Protection of Resources. No person shall mine or disturb geological formations or archeological artifacts or take or disturb any bird or nest, or eggs thereof, or any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life in an ecological reserve except as provided in subsections 630(a)(2) and (a)(8). The department may implement enhancement and protective measures to assure proper utilization and maintenance of ecological reserves.

(2) Fishing. Fishing shall be allowed in accordance with the general fishing regulations of the commission except that the method of taking fish shall be limited to angling from shore. No person shall take fish for commercial purposes in any ecological reserve except by permit from the commission.

(3) Collecting. No collecting shall be done in an ecological reserve except by permit issued pursuant to section 650 of these regulations. Any person applying for a permit must have a valid scientific collecting permit issued pursuant to part 3 of this title.

(4) Motor Vehicles. No person shall drive, operate, leave, or stop any motor vehicle, bicycle, tractor, or other type of vehicle in an ecological reserve except on designated access roads and parking areas.

(5) Swimming. No person shall swim, wade, dive, or use any diving equipment within an ecological reserve except as authorized under the terms of a permit issued pursuant to subsection (3).

(6) Boating. No person shall launch or operate a boat or other floating device within an ecological reserve except by permit from the commission.

(7) Trails. The department may designate areas within an ecological reserve where added protection of plant or animal life is desirable, and may establish equestrian or walking trails or paths within such designated areas. No person shall walk or ride horseback in such areas except upon the established trails or paths.

(8) Firearms. No person shall fire or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an ecological reserve or possess such weapons within an ecological reserve, except law enforcement personnel and as provided for in individual area regulations that allow for hunting.

(9) Ejection. Employees of the department may eject any person from an ecological reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ecological reserve or persons thereon is endangered.

(10) Public Entry. Public entry may be restricted on any area at the discretion of the department to protect the wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the

department, may enter any ecological reserve, or portion thereof, which is closed to public entry. No person may enter any Ecological Reserve between sunset and sunrise except with written permission from the Department, which may be granted for purposes including night fishing in accordance with subsection 630(a)(2) from designated shore areas only.

A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough and Upper Newport Bay ecological reserves except for users that possess a valid California sport fishing license hunting license or trapping license, or users that are under 16 years of age or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to section 550(b)(16)(B), title 14, CCR, for regulations for fee requirements for wildlife areas.

(11) Introduction of Species. Unless authorized by the commission, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited. The department may reintroduce endemic species on ecological reserves for management purposes.

(12) Feeding of Wildlife. The feeding of wildlife is prohibited.

(13) Pesticides. The use of pesticides is prohibited on any ecological reserve unless authorized by the commission.

(14) Litter. No person shall deposit, drop, or scatter any debris on any ecological reserve except in a receptacle or area designated for that purpose. Where no designated receptacles are provided, any refuse resulting from a person's use of an area must be removed from that area by such person.

(15) Grazing. The grazing of livestock is prohibited on any ecological reserve.

(16) Falconry. Falconry is prohibited.

(17) Aircraft. No person shall operate any aircraft or hovercraft within a reserve, except as authorized by a permit from the commission.

(18) Pets. Pets, including dogs and cats, are prohibited from entering reserves unless they are retained on a leash of less than ten feet or are inside a motor vehicle.

(19) Fires. No person shall light fireworks or other explosive or incendiary devices, or start or maintain any fire on or in any reserve, except for management purposes as provided in subsection (a)(1).

(20) Camping. No person shall camp on/in any ecological reserve.

(21) Vandalism. No person shall tamper with, damage or remove any property not his own when such property is located within an ecological reserve.

### Classification Intent

Ecological Reserves are designed to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and aquatic, or large heterogeneous natural marine gene pools for the future use of humankind.

### Designation Process and Authority

The Ecological Reserve Act of 1968 authorized DFG to create Ecological Reserves. With approval from FGC, DFG may obtain, accept on behalf of the state, acquire or control areas of interest for the establishment of Ecological Reserves through purchase, lease, easement, rental, or memorandum of understanding. Sites are designated legislatively on a case-by-case basis.

### Responsible Agency

DFG is responsible for acquiring the Ecological Reserve and managing it. FGC is empowered to approve or disapprove of prospective Ecological Reserve designations.

### Regulations

- No person shall mine or disturb geological formations or archaeological artifacts, or take or disturb any bird or nest, or eggs thereof, of any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life in an Ecological Reserve. DFG may implement enhancement and protective measures to assure proper utilization and maintenance of Ecological Reserves. (14 Cal. Code of Regs. 630)
- Fishing shall be allowed in accordance with the general fishing regulations of the Fish and Game Commission, except that the method of taking fish shall be limited to angling from shore. No person shall collect or harvest fish for commercial purposes in any Ecological Reserve, except by permit from the Commission. (14 Cal. Code of Regs. 630)
- No collecting shall be done in an Ecological Reserve, except by permit from the Fish and Game Commission. Any person applying for a permit must have a valid scientific collecting permit issued pursuant to Title 14, Subdivision 3 of the California Code of Regulations. (14 Cal. Code of Regs. 630)
- No person shall swim, wade, dive, or use any diving equipment within an Ecological Reserve, except as authorized under the terms of a permit issued pursuant to Title 14, Subdivision 3 of the California Code of Regulations.
- No person shall launch or operate a boat or other floating device within an Ecological Reserve except by permit from the Fish and Game Commission. (14 Cal. Code of Regs. 630)
- No person, except as provided in Title 14 of the California Code of Regulations, shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an Ecological Reserve. (14 Cal. Code of Regs. 630)

### Location of Designated Sites

Ecological Reserves can be designated anywhere in California. There are currently 99 Ecological Reserves (including the Offshore Rocks and Pinnacles), 29 of which have marine or coastal subtidal components.

### *Offshore Rocks and Pinnacles Ecological Reserve*

#### Administrative and Statutory Authority and Reference

Fish and Game Code, Section 1580. Designations are made under 14 Cal. Code of Regs., Section 630. See above section for specific language.

### Classification Intent

The intent of this classification is to withdraw all unreserved islands, rocks, and pinnacles offshore California from settlement, sale, or entry.

### Designation Process and Authority

Prior to 1983, these areas were known as the California Islands Wildlife Sanctuary under the Bureau of Land Management. Following the MOU signed in 1983, FGC designated these areas as an Ecological Reserve.

### Responsible Agency

DFG has responsibility for managing these areas until 2033, based on an MOU between DFG and the Bureau of Land Management.

### Regulations

See Ecological Reserves.

### Location of Designated Sites

Islands, rocks, and pinnacles offshore California.

## **Marine Resources Protection Act Ecological Reserves**

### Administrative and Statutory Authority and Reference

Fish and Game Code, Sections 1580-1585, 8610.9, and 8610.14; Marine Resources Protection Act of 1990; and Proposition 132 (Fish and Game Code Section 8610.4) which adds Article XB, Section 124 to the California Constitution. Designations are made under 14 Cal. Code of Regs., Section 630.5.

### 14 Cal. Code of Regs.

630.5 The areas specified in this chapter have been declared by the Fish and Game Commission to be Marine Resources Protection Act Ecological Reserves (MRPA Ecological Reserves) pursuant to the authority of Article XB of the California Constitution. A legal description of the boundaries of each of the four Ecological Reserves is on file at the Department of Fish and Game Headquarters, 1416 Ninth Street, Sacramento. The four Ecological Reserves identified in this chapter are established to provide for scientific research related to the management and enhancement of marine resources. In this section, the term scientific research means scientific research related to the management and enhancement of marine resources.

#### (a) General Rules and Regulations:

- (1) Protection of Resources. No person shall disturb geologic formations or archaeological artifacts or take or disturb any plant, animal, or habitat of any plant or animal within an MRPA ecological reserve except as authorized in conjunction with scientific research approved by the department. Prior to department approval of research proposed to be undertaken within an MRPA ecological reserve, such research shall be reviewed by the department, and by such other person(s) knowledgeable in marine resources as the Director may select. Any person(s) agreeing to assist with such review, shall do so without reimbursement.
- (2) Conditioning Research. Scientific research approved within an MRPA ecological reserve may be conditioned by the department to avoid adverse effects to the reserve and other research underway within the reserve, and to assure that activities are compatible with the research purposes of the reserve and activities adjacent to the reserve.

- (3) Fishing. No person shall fish within an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department.
- (4) Collecting. No collecting shall be done in an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department. Any person collecting within an MRPA ecological reserve must have a valid scientific collecting permit issued pursuant to Subdivision 3 of this title commencing with Section 650.
- (5) Swimming. No person shall swim, wade, dive, or use any diving equipment within an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department.
- (6) Boating. No person shall launch or operate a boat or other floating device within an MRPA ecological reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.
- (7) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department.
- (8) Ejection. Employees of the department may eject any person from an MRPA ecological reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ecological reserve, persons thereon, or scientific research being conducted in the reserve are endangered.
- (9) Public Entry. Public entry into an MRPA ecological reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.
- (10) Introduction of Species. The release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species into an MRPA ecological reserve, is prohibited unless authorized pursuant to scientific research approved by the department.
- (11) Feeding of Wildlife. The feeding of fish or wildlife is prohibited except as authorized pursuant to scientific research approved by the department.
- (12) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in MRPA ecological reserves except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorizations and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.
- (13) Litter. No person shall deposit, drop, or scatter any debris on any MRPA ecological reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.
- (14) Aircraft. No person shall operate any aircraft or hovercraft within an MRPA ecological reserve, except as authorized pursuant to scientific research approved by the department.
- (15) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering an MRPA ecological reserve unless authorized by the department.

(16) Research. Research related to the management and enhancement of marine resources may be approved within an MRPA ecological reserve by the department.

(17) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, including Vandenberg Air Force Base (VAFB), to conduct marine-related research within an MRPA Ecological Reserve.

### Fish and Game Code

8610.14. (a) Prior to January 1, 1994, the commission shall establish four new Ecological Reserves in ocean waters along the mainland coast. Each Ecological Reserve shall have a surface area of at least two square miles. The commission shall restrict the use of these Ecological Reserves to scientific research relating to the management and enhancement of marine resources, including, but not limited to, scientific research as it relates to sport fishing and commercial fishing. Recreational uses, including, but not limited to, hiking, walking, viewing, swimming, diving, surfing, and transient boating are not in conflict with this section.

(b) Prior to establishing the four Ecological Reserves, the commission shall conduct a public hearing at each of the recommended sites or at the nearest practicable location.

### Article XB of the California Constitution.

SEC. 11. It is unlawful for any person to take, possess, receive, transport, purchase, sell, barter, or process any fish obtained in violation of this article.

SEC. 12. To increase the State's scientific and biological information on the ocean fisheries of this State, the Department of Fish and Game shall establish a program whereby it can monitor and evaluate the daily landings of fish by commercial fishermen who are permitted under this article to take these fish. The cost of implementing this monitoring program shall be borne by the commercial fishing industry.

SEC. 14. Prior to January 1, 1994, the Fish and Game Commission shall establish four new Ecological Reserves in ocean waters along the mainland coast. Each Ecological Reserve shall have a surface area of at least two square miles. The commission shall restrict the use of these Ecological Reserves to scientific research relating to the management and enhancement of marine resources.

SEC. 15. This article does not preempt or supersede any other closures to protect any other wildlife, including sea otters, whales, and shorebirds.

### Classification Intent

Designated areas preserve, in a natural state, the existing conditions for the benefit of the general public and the scientific community. In general all living resources in Marine Resource Protection Act (MRPA) Ecological Reserves are protected and use of the reserves is restricted to scientific research. This research is promoted by DFG in an effort to improve both the management and status of marine resources along the California coast.

### Designation Process and Authority

The Marine Resources Protection Act of 1990 required FGC to establish four MRPA Ecological Reserves in ocean waters with a surface area of at least two square miles each by January of 1994.

### Responsible Agency

DFG manages and funds research in these areas. Funding for research is administered through the California Sea Grant College System. There is some local agency involvement in the management and research conducted.

### Regulations

- No person shall disturb geological formations or archaeological artifacts, or take or disturb any plant, animal or habitat or any plant or animal, within an MRPA Ecological Reserve, except as authorized in conjunction with scientific research approved by DFG. Prior to approval, such research shall be reviewed by DFG, and by such person(s) knowledgeable in marine resources as the Director may select. Any person(s) agreeing to assist with such review shall do so without reimbursement. (14 Cal. Code of Regs. 630.5)
- No person shall fish within an MRPA Ecological Reserve, except as authorized pursuant to scientific research approved by DFG. (14 Cal. Code of Regs. 630.5)
- No collecting shall be done in an MRPA Ecological Reserve, except as authorized pursuant to scientific research approved by DFG. Any person collecting within an MRPA Ecological Reserve must have a valid scientific collecting permit issued pursuant to Title 14, Subdivision 3 of the California Code of Regulations. (14 Cal. Code of Regs. 630.5)
- No person shall launch or operate a boat or other floating device within an MRPA Ecological Reserve, except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by DFG. (14 Cal. Code of Regs. 630.5)
- No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an MRPA Ecological Reserve, except as authorized pursuant to scientific research approved by DFG. (14 Cal. Code of Regs. 630.5)
- Public entry into an MRPA Ecological Reserve may be restricted at the discretion of DFG to protect the wildlife, aquatic life, or habitat. (14 Cal. Code of Regs. 630.5)

### Location of Designated Sites

There are four sites on the California Coast: King Range (Punta Gorda), Big Creek, Vandenberg, and Big Sycamore Canyon.

## **Refuges**

### Administrative and Statutory Authority and Reference

Fish and Game Code, Sections 10500-10514, 10655-10666, 10801, 10843, 10900-10912, and 10932.

### Fish and Game Code

10500. Except under a permit or specific authorization, it is unlawful:

- (a) To take or possess any bird or mammal, or part thereof, in any game refuge.
- (b) To use or have in possession in a game refuge, any firearm, bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take birds or mammals, or to discharge any firearm or to release any arrow into any game refuge.
- (c) To take or possess any species of fish or amphibia, or part thereof, in any fish refuge, or to use or have in possession in such refuge any contrivance designed to be used for catching fish.
- (d) To take or possess any bird in, or to discharge any firearm or to release any arrow within or into, any fowl refuge.
- (e) To take or possess any quail in a quail refuge.
- (f) To take or possess any invertebrate or specimen of marine plant life in a marine life refuge.
- (g) To take or possess any clam in a clam refuge or to possess in such a refuge any instrument or apparatus capable of being used to dig clams.

10501. Before the commission opens any game refuge for the taking of deer, a public hearing shall be held at which at least one member of the commission shall be in attendance and such officers and employees of the department as are deemed necessary or are requested by interested parties, notice of which has been published at least once and at least 30 days prior to the hearing in a newspaper of general circulation which is printed and published in the county, or one of the counties, in which the area lies. If there is no newspaper of general circulation in any such county, the notice shall be published in such newspaper of general circulation as the commission determines will be most likely to give notice to the inhabitants of the area and such determination by the commission shall be final and conclusive.

10501.5. (a) It is unlawful to fly any aircraft, including any airplane or helicopter, less than 3,000 feet above water or land over the Sespe Condor Sanctuary, and less than 1,000 feet above water or land over the Año Nuevo State Reserve, the Farallon Islands Game Refuge, the Point Lobos State Reserve, the California Sea Otter Game Refuge, and Anacapa, San Miguel, Santa Barbara, and San Nicolas Islands, except for rescue operations, in case of any emergency, or for scientific or filmmaking purposes under a permit issued by the department after a review of potential biological impacts.

(b) This section does not apply to the landing of any aircraft, including any airplane or helicopter, on Anacapa, San Miguel, Santa Barbara, San Nicolas, and Farallon Islands for administrative or operational purposes of the National Park Service, the United States Navy, or the United States Coast Guard.

10502. The commission may:

- (a) Exercise control over all mammals and birds in any game Refuge, and exercise control over all fish in any fish Refuge.
- (b) Authorize the department to issue, under such restrictions as it may deem best, permits which authorize the person named therein to carry, use, and possess within any Refuge, firearms, traps or other contrivances for taking birds, mammals, fish, or amphibia.
- (c) Except as provided in Sections 10502.5, 10502.8, 10655, and 10657, authorize the department to issue permits which shall authorize the person named therein to take birds, mammals, fish, and amphibia within any Refuge.
- (d) Make additional regulations not in conflict with any law for the protection of birds, mammals, fish, amphibia, and marine life within any Refuge.

10502.5. The director may appoint the Director of the Hopkins Marine Life Refuge. The Director of the Hopkins Marine Life Refuge may issue a permit to any person under which the person may enter the Hopkins Marine Life Refuge for the purpose of taking fish or marine plants under the conditions that the department determines necessary for the protection and propagation of fish and wildlife and related scientific purposes in that Refuge.

- 10502.6. (a) The director may appoint a Director of the Dana Point Marine Life Refuge.
- (b) Except as otherwise provided in this section, no state funds, including, but not limited to, the Fish and Game Preservation Fund, shall be used to pay the compensation or expenses of the Director of the Dana Point Marine Life Refuge. A city, county, or special district may use any funds, including state funds appropriated to the city, county, or special district, to pay the compensation and expenses of the director and a public postsecondary educational institution may use private or state funds to pay the compensation and expenses of the director.
- (c) The Director of the Dana Point Marine Life Refuge may issue a permit authorizing any person to enter the Dana Point Marine Life Refuge for the purpose of taking fish or marine plants under the conditions that the department determines to be necessary for the protection and propagation of fish and wildlife and related scientific purposes in that Refuge.
- (d) The Director of the Dana Point Marine Life Refuge shall erect and maintain signs identifying the boundaries of the Dana Point Marine Life Refuge. The signs shall contain notification regarding the permit requirements of the Refuge. The signs shall specify that an access permit shall be obtained from the Director of the Dana Point Marine Life Refuge and a scientific collector's permit from the department in order to take any fish or specimen of marine plant life.

- 10502.8. (a) The director may appoint the Director of the Catalina Marine Science Center Marine Life Refuge.
- (b) The Director of the Catalina Marine Science Center Marine Life Refuge may authorize any person to enter the Catalina Marine Science Center Marine Life Refuge for the purpose of taking fish or marine plants under the conditions that the department determines necessary for the protection and propagation of fish and wildlife and related scientific purposes in that Refuge.
- (c) The Director of the Catalina Marine Science Center Marine Life Refuge, upon recommendation of the Director of the Catalina Marine Science Center, may authorize any

person involved in oceanographic and scientific research in and around Santa Catalina Island to anchor or moor a vessel in the Catalina Marine Science Center Marine Life Refuge.

10503. For the purposes of propagating, feeding, and protecting birds, mammals, fish, and amphibia the commission may:

(a) Accept, on behalf of the State, donations of any interest in lands within any Refuge.

(b) Accept, on behalf of the State, from any person owning and in possession of patented lands, except lands which are covered and uncovered by the ordinary daily tide of the Pacific Ocean, the right to preserve and protect all birds, mammals, fish, and amphibia on such patented lands.

(c) Accept, on behalf of the State, donations of birds, mammals, fish, and amphibia, and of money given or appropriated. Such donations shall be used for the purposes for which they are accepted, and, as nearly as may be, for any purpose indicated by the donor.

(d) Acquire, by purchase, lease, rental, or otherwise, and occupy, develop, maintain, use, and administer land, or land and water, or land and water rights, suitable for state game farms or game Refuges.

10504. Any property acquired for game Refuges shall be acquired in the name of the State, and shall, at all times, be subject to such regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as game Refuges.

10505. The department shall do all things necessary to secure a valid title in the State to the property acquired for game Refuges, but no payment shall be made therefor until the title is satisfactory to the Attorney General and is vested in the State. The acquisition of the property by the State is not prohibited by reason of rights of way, easements, or reservations, which, from their nature, in the opinion of the department, will in no manner interfere with the use of the property for the purpose for which it is acquired.

10506. Nothing in this code prohibits the possession of firearms or bows and arrows by persons when traveling through any game Refuges when the firearms are taken apart or encased and unloaded and the bows are unstrung. When the traveling is done on a route other than a public highway or other public thoroughfare or right of way, notice shall be given to the department at least twenty-four (24) hours before such traveling. The notice shall give the name and address of the person intending to travel through the Refuge, the name of the Refuge, the approximate route, and the approximate time when such person intends to travel through the Refuge.

10507. It is lawful for any person who has given the notice provided for in Section 10506 to transport any bird or mammal, or part thereof, through a game Refuge, if lawfully taken outside the Refuge, and if the bird or mammal or part thereof is carried openly and during the time between one hour before sunrise and one hour after sunset.

10508. The department and the district attorney, sheriff, and all peace officers of the county in which any Refuge or part thereof is situated, shall enforce all of the provisions of this code relating to such Refuge, and institute and assist in prosecutions for violations thereof.

10509. Any Refuge designated as a "fish and game Refuge" shall be considered, for the purposes of this division, as both a game Refuge and a fish Refuge.

10510. No specification of an open season in any area authorizes the taking of any bird, mammal, fish or amphibia from any Refuge within that area from which the taking is elsewhere in this code prohibited.

10511. Except as they may conflict with Refuge provisions, the provisions of this code relating to a particular fish and game district shall apply to each Refuge lying wholly, or in major part, within the boundaries of the district.

10512. The department shall cause to be prepared suitable notices to be posted under its direction on each state game Refuge, containing a warning to all persons to refrain for the period named therein from violations of the provisions of this chapter relating to state game Refuges.

10513. Nothing in this chapter shall be construed as prohibiting or preventing any person from taking birds, mammals, fish, or amphibia from or on navigable water in any state game Refuge.

10514. All state game Refuges shall, for all purposes of protecting birds, mammals, fish, or amphibia thereon, be under the control and management of the department, and the officers and employees of the department and all game wardens may at all times enter in and upon such Refuges in the performance of their duties.

#### Classification Intent

Refuges are designated for the protection of birds, mammals, fish, amphibia or marine life along the California coast in six different categories (fish, clams, game, quail, waterfowl and marine life Refuges).

#### Designation Process and Authority

Refuges are established through legislative action. A Refuge bill must be sponsored by one or more representatives of the State Legislature, although Refuge designations can be proposed by any agency, organization, or member of the public. Once a representative authors a bill, it is reviewed by one or more Senate and/or Assembly committees before it is submitted to the floor for a full Senate vote. During the process of review, the author of the bill and/or one or more committees usually request comment on the bill from appropriate agencies. Agency comments, along with public comment, are often incorporated into the bill prior to the final vote, although it is not required to obtain agency input. Once signed by the Governor, an approved bill creates a law that designates the Refuge and amends the California Fish and Game Code. Specific Refuge boundaries are listed in the Fish and Game Code, Division 7, Chapter 2 (titled "Specific Refuge Boundaries").

CSLC may need to be consulted during this process if the Refuge designation requires a lease for the area. The FGC may accept donations, land, or wildlife, and may acquire by

purchase, lease, rental, or otherwise, and occupy, develop, maintain, use and administer land, or land and water, or land and water rights, suitable for Refuges.

#### Responsible Agency

FGC is authorized to exercise control over all mammals, birds and fish in the Refuges, except marine mammals where authority is superseded by the federal Marine Mammal Protection Act of 1972. DFG manages these areas.

#### Regulations

Except under a permit or specific authorization, it is unlawful:

- To take or possess any species of fish or amphibia, or part thereof, in any Fish Refuge, or to use or possess in such Refuge any contrivance designed to be used for catching fish.
- To take or possess any bird or mammal, or part thereof, in any Game Refuge.
- To use or possess in a Game Refuge, any firearm, or bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take birds or mammals, or to discharge any firearm or to release any arrow into any Game Refuge.
- To take or possess any invertebrate or specimen of marine plant life in a Marine Life Refuge. (Fish and Game Code 10500)

#### Location of Designated Sites

Designations are made in State Tidelands and Submerged Lands.

#### *Clam Refuges (Clam Preserves)*

##### Administrative and Statutory Authority and Reference

Fish and Game Code, Section 10711. Designations are made under 14 Cal. Code of Regs. 29.40.

#### Fish and Game Code

10711. The commission may close for the taking of clams not less than eight land miles of pismo clam bearing beaches within or offshore from San Luis Obispo County as a clam Refuge, but not more than 50 percent of any individual pismo clam bearing beach or beaches may be so closed at any time. The commission may from time to time vary the location of the closed and open portions of such beaches. Before the commission closes, opens, or varies the location of the closed and open portions of pismo clam bearing beaches, one or more members of the commission shall hold in the county to be affected a public hearing, notice of which has been published at least once in a newspaper of general circulation, printed, and published in that county. The commission may determine which newspaper will be most likely to give notice to the inhabitants of the county, and its determination shall be final and conclusive. The commission may authorize any employee of the department in its place to hold the hearings, in which event a copy of a transcript of all proceedings taken or had at the hearing shall be furnished to each commissioner at least five days before any regulation is made by the commission.

#### 14 Cal. Code of Regs.

##### 29.40. Pismo Clams.

(d) Clam preserves: No clams shall be taken within or offshore from San Luis Obispo County in the following described Pismo clam-bearing beaches which are hereby established as clam preserves, and which are closed for the taking of clams:

(1) All that portion of a beach commonly known as Pismo-Ocean Beach lying between the San Luis Obispo-Santa Barbara county line and the mouth of Oso Flaco Creek-approximately 4.6 miles.

(2) That portion of Atascadero Beach lying between Morro Rock and Azure Street-approximately 1.5 miles.

(3) That portion of Morro Beach between Hazard Canyon and the southern tip of Morro Bay-approximately 1.9 miles. See Section 27.42.

#### Classification Intent

Clam Refuges are intended to limit the harvest or collection of Pismo clams within a portion of their habitat in San Luis Obispo County. This limitation is intended to reduce the potential human harvest of the Pismo clam resource.

#### Designation Process and Authority

The Legislature has designated San Luis Obispo County clam-bearing beaches as the location for the establishment of a series of Clam Refuges. Pursuant to Fish and Game Code Section 10711, the FGC may designate as Refuge no less than 8 miles of coastline as Clam Refuges, although no more than 50 percent of the clam-bearing beaches may be closed at one time.

FGC may from time to time vary the location of the closed and open portions of such beaches. Before FGC closes, opens, or varies the location of the closed and open portions of Pismo clam bearing beaches, one or more members of FGC shall hold in the county to be affected a public hearing, notice of which has been published at least once in a newspaper of general circulation, printed, and published in that county. FGC may determine which newspaper will be most likely to give notice to the inhabitants of the county, and its determination shall be final and conclusive. FGC may authorize any employee of DFG in its place to hold the hearings, in which event a copy of a transcript of all proceedings taken or had at the hearing shall be furnished to each commissioner at least five days before any regulation is made by FGC.

#### Responsible Agency

FGC is authorized to exercise control over the human harvest of Pismo clams in these areas, while DFG manages these areas.

#### Regulations

Except by permit or specific authorization, it is unlawful to take or possess any clam in a clam Refuge or to possess in such a Refuge any instrument or apparatus capable of being used to dig clams. (Fish and Game Code 10500)

### Location of Designated Sites

FGC has designated three Refuge locations along the San Luis Obispo County coastline.

### **State Wildlife Areas (Wildlife Management Areas)**

#### Administrative and Statutory Authority and Reference

Fish and Game Code, Sections 1500-1505, 1525-1530, 14 Cal. Code of Regs. 550-551.

#### Fish and Game Code

1525. For the purposes of propagating, feeding and protecting birds, mammals, and fish, and establishing wildlife management areas or public shooting grounds the department, with the approval of the commission, may: (a) Accept, on behalf of the State, donations of birds, mammals, and fish, and of money given or appropriated. Such donations shall be used for the purposes for which they are accepted, and, as nearly as may be, for any purpose indicated by the donor. (b) Acquire, by purchase, lease, rental or otherwise, and occupy, develop, maintain, use and administer, land, or land and water, or land and water rights, suitable for state game farms, wildlife management areas, or public shooting grounds.

1527. The department shall do all things necessary to secure a valid title in the State to the property acquired for wildlife management areas or public shooting grounds but no payment shall be made therefor until the title is satisfactory to the Attorney General, and is vested in the State. The acquisition of the property by the State is not prohibited by reason of rights of way, easements, or reservations which, from their nature, in the opinion of the department, will in no manner interfere with the use of the property for the purpose for which it is acquired.

1528. Lands, or lands and water, acquired for public shooting grounds or wildlife management areas shall be operated on a nonprofit basis by the department. Multiple recreational use of wildlife management areas is desirable and that use shall be encouraged by the commission. Except for hunting and fishing purposes, only minimum facilities to permit other forms of multiple recreational use, such as camping, picnicking, boating, or swimming, shall be provided. Except as provided in Section 1765, and to defray the costs associated with multiple use, the commission may determine and fix the amount of, and the department shall collect, fees for any use privileges. However, tours by organized youth and school groups are exempt from the payment of those fees. Only persons holding valid hunting licenses may apply for or obtain shooting permits for public shooting grounds or wildlife management areas.

1530. Except in accordance with the regulations of the commission, it is unlawful to enter upon any wildlife management areas or public shooting grounds established under the provisions of this article, or to take therein any bird or the nest or eggs thereof, or any mammal.

#### 14 Cal. Code of Regs.

550. (b) Area Regulations:

(1) Regional Manager's Authority: The regional manager shall have the authority to regulate public use of State wildlife areas where such use is not provided for in these regulations or in sections 551 and 552 of this title.

(2) Entry Restrictions. The department may limit the number of persons entering any area listed in section 550 or 551 of this title during any period for safety reasons, to reduce crowding, to provide for the limited take of a species, or may close portions of areas or close areas entirely to public entry or to specific activities. On wildlife areas where entry and exit sites are designated by the department, no person shall enter or leave except at designated sites.

(3) Procedures for Issuing Entry Permits. In the event that the department elects to limit the number of hunters, trappers, or other users, entry permits will be issued on a first-come, first-served basis, or by a drawing to be held at a designated department office. The department shall inform the commission in writing and the public via the news media of any implementation of the provisions of this subsection, when limits imposed under this subsection differ substantially for a specific area from the prior year. Such notification shall include: the State wildlife area affected, the time period, the reason for the limitation or closure, the number of entry permits to be issued, and the method of issuance.

(4) Permit Requirements. No person shall enter any State wildlife area or portion thereof where the department has limited public entry without a valid entry permit in their immediate possession. [See subsections 551(f), (g), and (h) for regulations regarding general requirements and costs for individual entry permits. See subsection 551(q) for entry permit requirements for specific areas.]

(5) Use Permits for Organized Events. Any person organizing an event or gathering to be conducted on a State wildlife area shall obtain a use permit from the appropriate regional manager. Such events or gatherings shall be compatible with wildlife area objectives.

(6) Motor Driven Vehicles.

(A) No person shall drive, operate, leave, place, or stop any motor driven vehicle on any State wildlife area except on public or established roads or on designated jeep trails and such other areas as designated by the Department.

(B) No person shall drive a vehicle carelessly in willful disregard of the rights or safety of others, or without due caution or at a speed or in a manner likely to endanger any person, property, or wildlife.

(7) Traffic and Road Closures.

(A) Drivers of motor driven vehicles operated within the wildlife areas shall comply with the directions of traffic signs posted in the area by the department.

(B) No person shall break down, remove, or destroy any barrier, sign, or signboard erected or placed on any road, jeep trail, or unimproved road.

(8) Boats.

(A) The department may restrict the use and operation of boats on State wildlife areas, department administered national wildlife refuges, and State recreation areas to protect natural resources or provide for the orderly operation of hunting and fishing programs on these areas. Boating restrictions may include, but not be limited to, limiting boat speeds, limiting motor size and type, or prohibiting the use of motors. During the times waterfowl are present, the provisions of Section 251 of this Title will also apply.

(B) Except as prohibited in subsection 551(q), boats may be used under the following regulations on State wildlife areas, department administered national wildlife refuges, and State recreation areas.

1. When launch sites are designated by the department, all boats must be launched and removed from those sites.

2. All persons shall remove their boats from the waters when instructed to do so by an employee of the department.

3. The use of boats may be restricted to certain zones designated by the department.

4. Boat speed shall not exceed five miles per hour.

(9) Vandalism and Litter.

(A) No person shall tamper with, damage, or remove any property not his own when such property is located within a State wildlife area.

(B) No person shall leave, deposit, drop, bury, or scatter bottles, broken glass, feathers, hides, wastepaper, cans, sewage, or other rubbish in any State wildlife area except in a receptacle or area designated for that purpose, and no person shall import and deposit any rubbish or toxic substance into State wildlife areas from other places. Where no designated receptacles are provided, any refuse resulting from a person's use of the area must be removed from the area by such person.

(10) Trees and Minerals.

(A) No person shall dig up, cut, damage, or remove from a wildlife area any trees, shrubs, vines, plants or wood, except that vegetation may be cut and used for the purpose of building blinds, unless otherwise directed by the area manager.

(B) No person shall dig up or remove any humus, soil, sand, gravel, or rock.

(11) Bottle and Artifact Collecting. No person shall collect or remove bottles or artifacts, or dig or otherwise disturb the soil to locate or remove bottles or artifacts, from any Wildlife Area.

(12) Camping and Unattended Personal Property. No person shall camp in any part of a State wildlife area except in areas designated by the department. (See subsection 551(q) for additional camping restrictions on specific areas). Camping on wildlife areas shall be limited to not more than seven consecutive days, and not more than 14 days total in any calendar year, except by written permission of the Regional Manager. Personal property may not be left on State wildlife areas for camping or other purposes, except at authorized locations. Decoys may not be left in the field overnight, except as provided in subsection 551(q). Any hunting blinds on wildlife areas shall be available on a first-come, first-served basis.

(13) Fires. From April 30 through October 30 on Type C areas, and during the entire year on Type A and B areas, no person shall build or maintain fires except in portable gas stoves or in fireplaces at sites developed by the department. No fire shall be left unattended and all fires shall be extinguished with water before leaving. (See subsection 551(q) for additional fire restrictions.)

(14) Use of Dogs and Field Trials. The department may prohibit or restrict the use of dogs on any State wildlife area [see subsection 551(q)]. Except as further prohibited in subsection 551(q), dogs are allowed only for hunting or when under immediate control. Dogs must be leashed at designated campsites and check station areas. Special permits are required for field trials. Dog training is allowed only in areas designated by the department.

(15) Pesticides Use. No person, other than authorized federal, state, or local employees conducting a pest control program approved by the department, shall apply any pesticide in any State wildlife area.

(16) Livestock. No person shall permit livestock, including but not limited to cattle, horses, sheep, goats, and hogs, to browse, graze, bed, cross, or otherwise trespass on any State wildlife area except under an authorized grazing permit issued by the department. The recreational use of horses is allowed, except as designated in subsection 551(q). Persons who fail to remove their livestock from any State wildlife area within 48 hours after receiving official notice of trespass by the regional manager through certified mail, shall be in violation of this section.

(17) Fish and Frogs. Frogs may not be taken for commercial purposes [see subsection 551(q) for specific area regulations].

(18) Hunting and Trapping. Hunting and trapping shall be allowed on State wildlife areas during the regular open seasons subject to subsections 550(b)(19), 551(b), and 551(q), and such other area use regulations as specified by the regional manager.

(19) Special Restrictions (Areas where hunting and possession of firearms and archery equipment is prohibited).

No person, except authorized personnel, shall possess or discharge a firearm, bow and arrow, air or gas gun, spear gun, or other propulsive device of any kind in the following areas: Battle Creek, Crescent City Marsh, Elk Creek Wetlands, and Hill Slough wildlife areas; Cordelia Slough and Montezuma Slough management units of Grizzly Island Wildlife Area; and White Slough Unit of Napa-Sonoma Marshes Wildlife Area.

(20) Ejection. The department may eject any person from a State wildlife area for violation of any of these rules or regulations or for disorderly conduct, intoxication, or when a department employee determines that the general safety or welfare of the area or persons thereon is endangered. The decision, in such respect, of any department employee assigned management or enforcement responsibilities for the area shall be final.

(21) User Responsibility for Knowing Regulations. All wildlife area users shall be responsible for area-specific regulations listed under subsection 551(q). Failure to comply with any of the area-specific regulations shall be a violation of this subsection.

### Classification Intent

State Wildlife Areas are established for the purposes of propagating, feeding and protecting birds, mammals, and fish, and establishing wildlife management areas or public shooting grounds. In recent years, the functional difference between Ecological Reserves and State Wildlife Areas has blurred because of an increased emphasis on habitat management and species preservation in State Wildlife Areas.

### Designation Process and Authority

With approval from FGC, the DFG may acquire, by purchase, lease, rental or otherwise, and occupy, develop, maintain, use and administer, land, or land and water, or land and water rights, suitable for State Wildlife Areas.

### Responsible Agency

DFG manages designated sites in accordance with the rules and regulations prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as State Wildlife Areas.

### Regulations

- Except for hunting and fishing purposes, only minimum facilities to permit other forms of multiple recreational use, such as camping, picnicking, boating, or swimming, shall be provided. (Fish and Game Code Section 1528)
- Except in accordance with the regulations of the commission, it is unlawful to enter upon any wildlife management areas or public shooting grounds, or to take therein any bird or the nest or eggs thereof, or any mammal. (Fish and Game Code 1530)

### Location of Designated Sites

State Wildlife Areas can be designated anywhere in California. There are currently 15 State Wildlife Areas along the coast of California.

## DEPARTMENT OF PARKS AND RECREATION

### Pertinent General Public Resources Code Sections:

5001.6. (a) Notwithstanding Section 5001.95, units of the State Park system may be located within, and be a part of, a State Seashore. However, any such unit shall be managed in accordance with its classification as provided in Section 5019.62.

5001.65. Commercial exploitation of resources in units of the State Park system is prohibited. However, slant or directional drilling for oil or gas with the intent of extracting deposits underlying the Tule Elk State Reserve in Kern County is permissible in accordance with Section 6854. Qualified institutions and individuals shall be encouraged to conduct nondestructive forms of scientific investigation within State Park system units, upon receiving prior approval of the director. The taking of mineral specimens for recreational purposes from State Beaches, State Recreation Areas, or State Vehicular Recreation Areas shall be permitted upon receiving prior approval of the director.

5001.7. The landing of aircraft in units of the State Park system is subject to the following limitations:

(a) Airport facilities and services may be allowed in a unit of the State Park system, other than a State Wilderness, State Reserve, Natural Preserve, or Cultural Preserve, if the department determines that it is desirable to expand visitor use of the unit and that the location of such facilities and services is compatible with the management of the unit in relation to its primary usage.

(b) Airport facilities and services shall be excluded from State Wilderness, State Reserves, Natural Preserves, and Cultural Preserves, and shall be excluded from any other unit of the State Park system where the department determines that the primary resource value of the unit would be impaired by such facilities and services or that a landing strip or flight patterns would not be compatible with the recreation experience of other visitors.

5001.8. (a) The use of motor vehicles in units of the State Park System is subject to the following limitations:

(1) In State Wildernesses, Natural Preserves, and Cultural Preserves, use is prohibited.

(2) In State Parks, State Reserves, State Beaches, Wayside Campgrounds, and Historical Units, use is confined to paved areas and other areas specifically designated and maintained for normal ingress, egress, and parking.

(3) In State Recreation Areas, use is confined to specifically designated and maintained roads and trails.

(b) The use of motor vehicles on lands in the State Vehicular Recreation Area and trail system is confined to areas and routes designated for that purpose.

5001.9. (a) Any improvement existing within the State Park system as of January 1, 1979, which fails to comply with the provisions of former Section 5001.5 as they read immediately prior to January 1, 1979, or Article 1.7 (commencing with Section 5019.50) of this chapter shall not be expanded.

(b) No new facility may be developed in any unit of the State Park system unless it is compatible with the classification of the unit. 5001.95. No State Park system unit, other than a State Wilderness, a Natural Preserve, or a Cultural Preserve, shall be located within the boundaries of another State Park system unit.

5001.96. Attendance at State Park system units shall be held within limits established by carrying capacity determined in accordance with Section 5019.5.

5002. All parks, public camp grounds, monument sites, landmark sites, and sites of historical interest established or acquired by the State, or which are under its control, constitute the State Park System except the sites and grounds known as the State Fair Grounds in the City of Sacramento, and Balboa Park in the City of San Diego.

5002.1. Prior to the classification or reclassification of a unit of the State Park system into any of the categories specified in Article 1.7 (commencing with Section 5019.50) of this chapter, the department shall prepare an inventory of the unit's scenic, natural, and cultural features, including, but not limited to, ecological, archaeological, historical, and geological features. The inventory shall be submitted by the department to the State Park and Recreation Commission for its consideration when classifying or reclassifying a unit.

5003. The department shall administer, protect, develop, and interpret the property under its jurisdiction for the use and enjoyment of the public. Except as provided in Section 18930 of the Health and Safety Code, the department may establish rules and regulations not inconsistent with law for the government and administration of the property under its jurisdiction. The department may expend all moneys of the department, from whatever source derived, for the care, protection, supervision, extension, and improvement or development of the property under its jurisdiction.

5003.05. Rules and regulations adopted pursuant to Section 5003 shall also apply on any granted or ungranted tidelands or submerged lands abutting property of the department and used for recreational purposes by members of the general public in conjunction with their use of the department's property between the boundary of the lands under the jurisdiction of the department and a line running parallel to and 1,000 feet waterward of the ordinary high water mark, so long as the rule or regulation being applied is not inconsistent with any rule or regulation of any other public agency which is applicable to those tide or submerged lands.

5003.1. The Legislature finds and declares that it is in the public interest to permit hunting, fishing, swimming, trails, camping, campsites and rental vacation cabins in certain State Recreation Areas, or portions thereof, when it is found by the State Park Commission that such multiple use of State Recreation Areas would not threaten the safety and welfare of other State Recreation Area users. Provided, however, that hunting shall not be permitted in any unit now in the State Park system and officially opened to the public on or before June 1, 1961, nor in any unit hereafter acquired and designated as a State Park and may only be permitted in new recreational areas which are developed for such use. Whenever hunting or

fishing is permitted in a State Recreation Area and whenever fishing is permitted in a State Park, the Department of Fish and Game shall enforce hunting and fishing laws and regulations as it does elsewhere in the State.

5003.4. There shall be provided in each State Park in which camping is permitted such parking facilities for house trailers as can be accommodated within the park consistent with the object of providing camping facilities for the public in such parks.

5005.6. The department has exclusive jurisdiction with respect to property salvage and recovery operations in and upon the lands of the State Park system. The department may grant the privilege of conducting salvage and recovery operations in and upon such lands by the issuance of permits. The director may make such rules and regulations in connection with applications for such permits and the operations to be conducted thereunder, as he deems necessary to protect the State Park system and the interests of the public in such recovered property. Such regulations may include, but shall not be limited to, regulations on percentage of recovered property to be retained by the state, authorization for retention by state of any items of historical, cultural, or other value, authorized methods, and record keeping requirements for conduct of salvage operations. The terms and conditions of any permit issued pursuant to this section shall be subject to the approval of the Director of Finance.

5006. (a) The department, with the consent of the Department of Finance, and subject to Section 15853 of the Government Code, may acquire title to or any interest in real property, including personal property incidental to the purchase of real property and options to purchase property, which the department deems necessary or proper for the extension, improvement, or development of the State Park system. All real and personal property acquired by the department for the State Park system shall be under the jurisdiction of the department immediately upon transfer of title to the state.

5006.5. The department, with the consent of the Department of General Services, may lease any interest in real or personal property which the department deems necessary or proper for the extension, improvement, or development of the State Park system. No payment from state money in excess of one thousand dollars (\$1,000) a year shall be made pursuant to any such lease unless and until money equal to or exceeding one-half of the excess over one thousand dollars (\$1,000) shall have been made available for expenditure by the state for the purpose by some person, corporation, public district, municipality or political subdivision other than the state, or by the United States or an agency thereof. No lease shall be executed under this section until the department has first consulted with the planning commission of the county in which the department proposes to lease lands for park or recreational purposes. The provisions of this section shall not apply when the Department of General Services leases land for the use of the Department of Parks and Recreation under Section 14669 of the Government Code.

5007.5. Notwithstanding any other provision of law, the department shall have the right to remove and dispose of all floating logs, timber, lumber, and other debris deposited on public beaches, waterways or lands within the State Park system, when such deposits

create a hazard or impediment to the public safety, enjoyment, and use of the public beach, waterway or land. Logs, timber or lumber which are capable of being identified as the property of another shall be held by the department for a period of three months from the time of their removal from any public beach, waterway or land. The owner of such property may remove it on payment or tendering to the department the amount of the damages which the department has sustained by reason of the drifting of the property upon the public beaches, waterways or lands within the State Park system and which may accrue in removal of the property. If the property remains unclaimed after the three months period the department may dispose of such logs, timber or lumber by destruction, sale or use.

5008. (a) The department shall protect the state park system and the State Vehicular Recreation Area and trail system from damage and preserve the peace therein.

(b) The director may designate any officer or employee of the department as a peace officer. The primary duties of the peace officer shall be the enforcement of this division, Sections 4442 and 4442.5, the rules and regulations of the department, Chapter 5(commencing with Section 650) of Division 3 of the Harbors and Navigation Code, the rules and regulations of the Department of Boating and Waterways, Chapter 2 (commencing with Section 9850) of Division 3.5 of the Vehicle Code, and Division 16.5 (commencing with Section 38000) of the Vehicle Code and to arrest persons for the commission of public offenses within the property under its jurisdiction. The authority and powers of the peace officer shall be limited to those conferred by law upon peace officers listed in Section 830.2 of the Penal Code.

(c) The department shall protect property included in the California recreational trail system and the property included in the recreational trail system under Section 6 of Chapter 1234 of the Statutes of 1980 from damage and preserve the peace therein. The primary duties of any officer or employee designated a peace officer under this section shall include enforcement of the rules and regulations established by the department under subdivision (l) of Section 6 of Chapter 1234 of the Statutes of 1980 and the arrest of persons for the commission of public offenses within the property included in the recreational trail system under Section 6 of Chapter 1234 of the Statutes of 1980.

(d) Any person who violates the rules and regulations established by the department is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment, except that at the time a particular action is commenced, the judge may, considering there commendation of the prosecuting attorney, reduce the charged offense from a misdemeanor to an infraction. Any person convicted of the offense after such a reduction shall be punished by a fine of not less than ten dollars (\$10) nor more than one thousand dollars(\$1,000).

5012. The department may, upon application by the proper authorities, grant permits and easements for the following purposes and upon such terms as the department may prescribe:

(a) To a public agency for public roads.

(b) To a public agency for utility lines.

(c) For electric, gas, water, sewer, telephone, telegraph and utility lines, and pipelines and structures incidental thereto, to perform a public service or oil or gas pipelines.

(d) To a public agency for channels or facilities for the development of small craft harbors and recreational areas.

(e) To any oil and gas lessee of the State for pipeline right of way purposes. No permit, easement, or right of way for oil or gas pipelines shall be granted pursuant to this section as to any land acquired by the State for beach or park purposes by condemnation after September 18, 1959, unless and until a period of 12 calendar months has elapsed following the date of acquisition of such land.

5017. Whenever the Legislature, or the director, directs the department to plan any State Beach or park or recreational area development, the department shall forthwith cause investigations, studies, surveys to be made, and generalized plans to be prepared, with respect to the proposed development and shall report thereon to the Legislature at the next succeeding session of the Legislature, including in such report a description of the property to be acquired and the improvements to be constructed in connection with the proposed development, an estimate of the cost thereof, an estimate of the visitor days projected, and the department shall consult and advise with the appropriate local planning agency with regard thereto.

5019. When property is deeded to the State for park or beach purposes, oil and mineral rights in such property may be reserved in such deeds by the grantor; provided, that any prospecting or extracting of oil and minerals shall in no manner disturb the surface of such property or any improvements placed in or upon the property in pursuit of its use for recreation.

5019.5. Before any park or recreational area developmental plan is made, the department shall cause to be made a land carrying capacity survey of the proposed park or recreational area, including in such survey such factors as soil, moisture, and natural cover.

5019.50. All units which are or shall become a part of the State Park system, except those units or parts of units designated by the Legislature as Wilderness Areas pursuant to Chapter 1.3 (commencing with Section 5093.30) of this division, shall be classified by the State Park and Recreation Commission into one of the categories specified in this article.

Pertinent Title 14, California Code of Regulations Sections:

4300. All sections of Chapters 1 through 8 are adopted pursuant to Sections 5001.5, 5003 and 5008 of the Public Resources Code and apply to all units under control of the Department of Parks and Recreation unless otherwise indicated.

(a) When it is necessary to refer to one or more units under control of the Department of Parks and Recreation by terms other than their classification, the terms "unit of the State Park System," "unit of the State Vehicular Recreation Area and Trail System," or simply "unit" will be used.

(b) A title, where used, does not limit the language of a section.

(c) These sections are severally adopted. If one or more of these sections is deemed invalid, the remaining sections are intended to remain in effect. Where a section herein or rule is amended or repealed, acts and omissions prior thereto may be prosecuted as though such section or rule had not been so amended or repealed.

(d) Special regulations for an area or a subject do not preclude the application of general regulations unless expressly so indicated.

(e) The privilege of any person to be present in any unit under control of the Department of Parks and Recreation is hereby expressly conditioned upon compliance by that person with all applicable laws and regulations. In addition to other penalties prescribed by law, violation of any law or regulation shall subject the violator to ejection from the unit in which the violation occurs.

(f) This provision shall be enforced by peace officers having concurrent jurisdiction in any unit in which a violation of regulations may take place.

(g) Nothing contained herein shall be construed to authorize or prohibit any act or acts which are expressly authorized or prohibited by statute of the State of California or by ordinance of a governmental subdivision thereof with concurrent jurisdiction over a unit or units controlled by the Department of Parks and Recreation.

4302. No person shall use or be present in any portion of a unit under control of the Department of Parks and Recreation for which a use fee has been established by the Department, without paying such fee, with the exception of units which require payment of fees upon exit. This shall not apply to state officers and employees on official business nor to persons excepted by the Department for administrative reasons.

4304. No person, using any aircraft, shall land, taxi on or take off from any body of water or from any portion of any unit if not specifically approved by the Department and the unit has been designated for landing of aircraft. No person shall parachute into, fly an unlicensed aircraft, ultralight vehicle, or hang glider over, or parasail or balloon over any State Park unit at an altitude of less than 500 feet unless authorized by the Department by posted order in accordance with section 4301(i).

4305. (a) Protection. No person shall molest, hunt, disturb, harm, feed, touch, tease, or spotlight any kind of animal or fish or so attempt.

(b) No person shall injure, trap, take, net, poison, or kill, any kind of animal or fish, or so attempt, except that fish and bait may be taken, other than for commercial purposes in accordance with state laws and regulations.

(c) Where hunting in a State Recreation Area or within the State Vehicular Recreation Area and Trail System or portion thereof is permitted by regulations herein, so much of this section as is inconsistent therewith shall be deemed inapplicable, provided hunting is conducted in the manner specified.

(d) This section does not apply to activities undertaken by the Department in conjunction with its resource management activities.

(e) Feeding. In units or portions thereof where posted in accordance with Section 4301(i), no person shall feed any wildlife or feral animal listed on such posting.

4306. (a) No person shall willfully or negligently pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn, or carry away any tree or plant or portion thereof, including but not limited to leaf mold, flowers, foliage, berries, fruit, grass, turf, humus, shrubs, cones, and dead wood, except in specific units when authorization by the Department to take berries, or gather mushrooms, or gather pine cones, or collect driftwood is posted at the headquarters

of the unit to which the authorization applies. Any collecting allowed by authority of this section may be done for personal use only and not for commercial purposes.

(b) No person may gather more than five pounds of such material except driftwood each day in the State Park System or State Vehicular Recreation Area and Trail System.

(c) No person may gather more than 50 pounds or one piece of driftwood each day in the State Park System or State Vehicular Recreation and Trails System.

(d) Use of tools, vehicles, and equipment for the collecting of driftwood is prohibited.

(e) Upon a finding that it will be in the best interest of the Department of Parks and Recreation, the District Superintendent may, by posting, authorize the collection of driftwood from specified units on a temporary basis, either by the general public or by commercial operators, if necessary, in quantities, for purposes, and by means other than as specified by this section.

(f) This section does not apply to activities undertaken by the Department in conjunction with its resource management activities.

4307. (a) No person shall destroy, disturb, mutilate, or remove earth, sand, gravel, oil, minerals, rocks, paleontological features, or features of caves.

(b) Rockhounding may be permitted as defined in Section 4301(v).

4308. No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value.

4309. The Department may grant a permit to remove, treat, disturb, or destroy plants or animals or geological, historical, archaeological or paleontological materials; and any person who has been properly granted such a permit shall to that extent not be liable for prosecution for violation of the foregoing.

4310. No person shall leave, deposit, drop, or scatter bottles, broken glass, ashes, waste paper, cans, or other litter in a unit except in a receptacle designated for that purpose, and no person shall import any litter, or import and deposit any litter into or in any unit from other places.

4311. No person shall:

(a) light, build, use, or maintain a fire within a unit except in a camp stove or a fireplace provided, maintained, or designated by the Department for such purpose. Portable camp stoves may be used in portions of units approved by the Department.

(b) Fires shall at all times be maintained in a safe condition that does not threaten any person, natural or structural feature.

(c) Upon a finding of extreme fire hazard by the Department no person shall smoke or build fires in portions of units other than those designated by the Department for such purposes.

(d) This section does not apply to fire fighters or Department employees carrying out fire suppression or resource management activities approved by the Department.

4312. (a) No person shall permit a dog to run loose, or turn loose any animal in any portion of a unit, except upon written authorization by the District Superintendent. (b) No person shall keep an animal in any unit except under his/her immediate control.

- (c) No person shall keep a noisy, vicious, or dangerous dog or animal or one which is disturbing to other persons, in any unit and remain therein after he/she has been asked by a peace officer to leave.
- (d) No person shall permit a dog or a cat to remain outside a tent, camper, or enclosed vehicle during the night.
- (e) No person shall bring a dog into, permit a dog to enter or remain, or possess a dog in units under control of Department of Parks and Recreation unless the dog is on leash of no more than six feet in length and under the immediate control of a person or confined in a vehicle.
- (f) No person shall bring a dog into, permit a dog to enter or remain, or possess a dog:
- 1) beyond the limits of campgrounds, picnic areas, parking areas, roads, structures or in posted portions of units except as provided elsewhere in this section.
  - 2) on any beach adjacent to any body of water in any unit except in portions of units designated for dogs.
- (g) In State Recreation Areas open to hunting pursuant to Public Resources Code, Section 5003.1, dogs may be used to assist in hunting. Such dogs shall not be permitted to pursue or take any wildlife other than that being hunted.
- (h) Subsections e) and f) shall not apply to trained "seeing eye," "signal," or "service" dogs used to guide a physically impaired person there present, or dogs that are being trained to become "seeing eye," "signal," or "service" dogs.
- (g) Grazing. No person shall graze, herd or permit livestock to enter or remain inside a unit without specific written authorization of the Department, except for grazing by animals used for riding or packing under direct control of visitors or concessionaires.

4313. (a) No person shall carry, possess or discharge across, in or into any portion of any unit any weapon, firearm, spear, bow and arrow, trap, net, or device capable of injuring, or killing any person or animal, or capturing any animal, or damaging any public or private property, except in underwater parks or designated archery ranges where the Department of Parks and Recreation finds that it is in its best interests.

(b) Nothing herein contained shall be construed in derogation of the use of weapons permitted by law or regulation and to be used for hunting in any unit, or portion thereof, open to hunting.

(c) Firearms not having a cartridge in any portion of the mechanism, other unloaded weapons or devices such as traps, nets, and bows and arrows may be possessed within temporary lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased, or stored in a manner that will prevent their ready use.

4314. (a) No person shall possess, discharge, set off, or cause to be discharged, in or into any portion of a unit any firecrackers, torpedoes, rockets, fireworks, explosives, or substances harmful to the life or safety of persons.

(b) The Department may grant exceptions to this section for specified locations and periods of time upon finding that such activity will not endanger persons, property, or resources.

(c) This section does not apply to explosives lawfully possessed or used under the direction of the Department.

4316. Except where authorized by the Department, no person shall photograph, videotape or film for commercial (profit and sale) purposes in any unit, or portion thereof, owned, operated or administered by the Department without a permit from the California Film Commission, pursuant to Government Code Section 14998.8.

4319. No person shall engage in games or recreational activities that endanger the safety of persons, property, resources, or interfere with visitor activities except as permitted by the Department. No person shall hold, sponsor, lead, or otherwise have control over a game or recreational activity occurring wholly or partially within or on any property owned, operated or administered by the Department without an approved Special Event permit if any of the criteria set forth in section 4301(j) apply.

4320. To insure peace and adequate rest for visitors:

(a) No person shall disturb others in sleeping quarters or in campgrounds between the hours of 10 p.m. and 6 a.m. daily.

(b) No person shall, at any time, use outside machinery or electronic equipment including electrical speakers, radios, phonographs, televisions, or other devices, at a volume which is, or is likely to be, disturbing to others without specific permission of the Department.

(c) No person shall operate an engine driven electric generator which emits sound which is, or is likely to be, disturbing to others between the hours of 8 p.m. and 10 a.m. without permission of the Department.

4321. No person shall conduct or attend an assembly or public demonstration except by permission of the Department upon a finding that such activity would not substantially interfere with park use.

4322. No person shall appear nude while in any unit except in authorized areas set aside for that purpose by the Department. The word nude as used herein means unclothed or in such a state of undress as to expose any part or portion of the pubic or anal region or genitalia of any person or any portion of the breast at or below the areola thereof of any female person.

4323. (a) Arrangement and Numbers. The Department may specify the size, type, arrangement and use of recreational equipment and the number of persons permitted in any unit or portion thereof. No person shall otherwise introduce, keep, use, or arrange his/her equipment. No person shall otherwise exceed established occupancy limitations.

(b) Food Storage. In units or portions thereof where posted in accordance with Section 4301(i), no person shall store food, lawfully taken fish or wildlife, garbage or equipment with food residue, other than in the sealed compartment of a vehicle incapable of being opened by wild animals, in a food storage unit designated by the Department, in accordance with posted instructions, or, in areas where bears are a problem, suspended at least ten (10) feet above any material that would support the weight of a bear and separated horizontally by at least four (4) feet from any post, tree trunk or other object. This restriction does not apply to food that is actively being carried, consumed or prepared for human consumption or pets.

(c) No person shall erect, maintain, use, or occupy any temporary tent or shelter on any beach unless there is an unobstructed view through such tent or shelter from at least two

sides, provided, however, that nothing herein contained shall be construed to authorize camping except as provided in Section 4451 hereof.

4324. (a) No person shall deposit waste, water, sewage or effluent from sinks, portable toilets, and other plumbing fixtures directly upon or into the surface of the ground or water.  
(b) No person shall deposit any body waste in or any portion of any comfort station or other structure except into fixtures provided for that purpose.  
(c) No person shall place any bottle, can, cloth, rag, metal, wood, paper, or stone substances in any plumbing fixture in such a manner as would interfere with the normal operation of such fixture.

4326. No person shall:

(a) violate any provision of an order posted pursuant to the provisions of section 4301(i) hereof including, but not limited to, prohibited areas, use periods, no alcoholic beverage areas, no smoking areas and no parking areas, where posted in accordance with 4301(q), or,  
(b) violate any provision or restriction of a Special Use, Special Event, Film or Collection permit issued pursuant to these regulations.

4330. (a) No person shall disperse or otherwise apply any pesticide within any unit or portion thereof, whether to the air, water, ground, or vegetation, unless prior written approval has been obtained from the Department.  
(b) Exception is made in the instance of dispersal within enclosed buildings, tents, tent trailers, or within any vehicle or boat containing living or sleeping quarters, or the use outdoors within ten (10) feet of the table, stove, tent or food lockers, of hand-held finger-operated aerosol dispensers or hand-operated plunger-type dispensers with net contents not to exceed twenty (20) ounces and containing any of the following pesticides: Pyrethrine, Allethrin, Piperonyl butoxide, Malathion, DDVP (Dichlorvos Vapona), Dibrom, Rotenone (Derrin, Cube Root).

4331. No person shall solicit, sell, hawk, or peddle any goods, wares, merchandise, services, liquids, or edibles for human consumption or distribute circulars in any unit, except as permitted by the Department. Such prohibition shall include sales activities that utilize park property or facilities to complete the terms of sale or provide a service as a result of the sale or that effect park operations, facility use or visitor safety. Also included are sales activities which encroach on the sales rights of a vendor authorized to sell such products, or services pursuant to a concession contract with the Department.

4332. After classification or reclassification of a unit, the Department shall obtain public comment and prepare a general plan. The general plan shall consist of a resource element, a land use element, a facilities element, and an operations element. In order that it shall act as a guide and constraint, the resource element will be prepared, made available for public comment, and approved by the Director before substantial work is done on the other elements of the plan.

4333. No person shall possess or use a glass container, bottle, jar, tumbler, or vessel of whatever nature, empty or not, where prohibited by order of the Department, except that persons may pick up glass containers left or discarded by others and remove or deposit same in an approved trash receptacle. Signs shall be posted at beaches and locations where glass containers are prohibited.

4350. The provisions of the Vehicle Code relating to traffic upon highways shall be applicable to Departmental units except as provided by Departmental regulations in Title 14 herein, and such regulations contain the special conditions referred to in Section 21113 of the Vehicle Code.

4352. No person shall operate an off-highway vehicle, hovercraft or snowmobile except in designated units or portions thereof.

4355. No person shall operate, drive, use, leave, park, place or stop a vehicle, except on a road or a parking area in any unit or a portion thereof,  
(a) or in violation of the condition, limitations, or restrictions in such unit or portion thereof;  
(b) or in violation of any regulation contained herein.

4358. The Department may, by posting of notices (4301(i) and (q)), prohibit or restrict the parking or standing of vehicles in units or portions thereof, during all or certain hours of the day. No such posting of notices shall apply until signs or markings giving adequate notice thereof have been placed. No person shall block or prevent access to a parking space that they do not lawfully occupy by the parking, standing, or stopping of a vehicle or placement of other objects, or any person. A person may lawfully occupy a parking place only through payment of fees or by being on Department business.

4359. (a) No person shall ride, drive, lead, or keep a saddle or pack animal in a unit, or portion thereof, except on such roads, beaches, trails, or areas so designated by the Department.

(b) No saddle or pack animal shall be hitched to any tree, shrub, or structure in any manner that might cause damage thereto.

(c) No person shall ride any animal in a manner that might endanger life or limb (d) No person shall allow their animal to stand unattended or insecurely tied.

(e) All persons opening a closed gate shall close the same after passing through it.

4360. No person shall operate an operator or gravity propelled device in any unit, or portion thereof, when the Department has issued an order prohibiting such activity. The Department may establish speed limits for units or portions thereof in which these devices are used. Speed limits will be posted.

4451. No person shall camp, as defined in Section 4301(U), in any unit except in areas designated for that purpose.

4611. (a) Rockhounding is authorized by Section 5001.65 of the Public Resources Code.

- (b) Units and portions thereof (o)pen for Rockhounding will be posted in accordance with Section 4301(i).
- (c) Commercial Use. Rocks or mineral specimens gathered within a unit may not be sold or used commercially for the production of profit.
- (d) Maximum Take. One person may gather, in one day in one unit, not more than 15 pounds of mineralogical material or not more than one specimen plus 15 pounds of mineralogical material.
- (e) Use of Tools. Tools, except goldpans to be used in gold panning, may not be used in rockhounding within a unit.
- (f) Areas for Swimming and Boating. In State Recreation Areas rockhounding may not be practiced in areas designated for swimming or for boat launching.
- (g) Areas Limited for Collecting. In State Recreation Areas rockhounding is limited to beaches which lie within the jurisdiction of the Department and within the wave action zone on lakes, bays, reservoirs, or on the ocean, and to the beaches or gravel bars which are subject to annual flooding on streams.
- (h) Indian Artifacts. Rockhounding in a unit specifically does not include the gathering of Indian arrowheads, Indian stone tools, or other archeological specimens, even when such specimens may be found occurring naturally on the surface.
- (i) Panning for Gold. Panning for gold is considered to be "rockhounding" as the term is applied in the Department. The goldpan is the only exception permitted to the exclusion of tools from rockhounding in a unit as provided in Section 4610.5. Muddy water from panning operations must not be visible more than 20 feet from the panning operation.

4650. No person shall swim in areas prohibited for swimming. Such areas shall be designated by the posting of notices.

4651. No person shall operate any boat or ride, pull or tow any aquaplane or water-ski or any other device within any designated swimming area or within fifty (50) feet of the existing boundary of any designated swimming area or boundaries which are marked by buoys placed fifty (50) feet apart and the area posted on shore by signs.

4652. No person shall use, operate, or bring into an open zone, floating devices such as rubber crafts, surfboards, surfmats, buoys, kites, experimental crafts, or any other floating device other than those approved boats, aquaplanes or water-skis and related equipment. The Department may permit the use of certain unauthorized floating devices in open zones on occasions where traffic is such as to render them safe and during special events, games, tests, or experiments.

4654. No person shall engage in surf-riding in an area where so prohibited and posted.

4657. No person shall launch or beach a boat or weigh anchor or cast off when the Department has by posting an order prohibiting the same. Such orders shall prescribe the time and area in which effective.

4660. (a) No person shall beach, land, launch, moor, dock or berth a vessel, boat, or any other object overnight except in areas so designated and posted by the area manager.

(b) The Department may, by posting of an order, specify locations, conditions, and limitations for the beaching, landing, launching, mooring, docking, or berthing of a vessel, boat, or any other object. No such posting of notice shall apply until signs or markings giving notice thereof have been placed.

(c) Beached or abandoned vessels, boats, or any other objects are to be removed by the registered owner from Departmental property within twenty-four (24) hours of notification. The last registered owner of record is responsible and is thereby liable for the cost of removal and disposition of the vessel, boat, or other object beached or abandoned.

4661. Any boat must be so constructed or equipped that all wastes, including but not limited to shower water and human waste, are discharged into a holding tank. Such wastes shall only be discharged in onshore disposal facilities.

4664. No person shall:

(a) Enter an underwater park unit of scenic or scientific reserve other than through an established water entry point.

(b) As used in this section, underwater activities shall mean engaging in activities beneath the surface of the water.

## **State Reserves**

### Administrative and Statutory Authority and Reference

General authority for management is provided in Public Resources Code Section 5003; unit classification is provided for in Public Resources Code Section 5019.50; and specific language for State Reserves is in Public Resources Code Section 5019.65.

### Public Resources Code

5019.65. State Reserves consist of areas embracing outstanding natural or scenic characteristics of statewide significance. The purpose of a State Reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features, and scenic qualities in a condition of undisturbed integrity. Resource manipulation shall be restricted to the minimum required to negate the deleterious influence of man.

Improvements undertaken shall be for the purpose of making the areas available, on a day use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features. Living and nonliving resources contained within State Reserves shall not be disturbed or removed for other than scientific or management purposes. State Reserves may be established in the terrestrial or underwater environments of the state.

### Classification Intent

The purpose of a State Reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features, and scenic qualities in a condition of undisturbed integrity. State Reserves consist of areas of outstanding natural or scenic characteristics with statewide significance.

### Designation Process and Authority

The Park and Recreation Commission, under recommendation from DPR, classifies or designates these areas through a public planning process as prescribed in Public

Resources Code Section 5002.3. The Park and Recreation Commission holds public hearings in close proximity to the affected area.

#### Responsible Agency

DPR conducts day-to-day management activities, such as visitor contact and enforcement. Management is provided mainly through onshore State Park staff, although park patrol and rescue vessels are available at some locations. DFG also provides periodic enforcement and has broad statutory responsibility for management of marine life.

#### Regulations

Living and non-living resources contained within State Reserves are not to be disturbed or removed for other than scientific or management purposes (Public Resources Code Section 5019.65). Resource manipulation is restricted to the minimum required to negate the deleterious influence of man. No person shall disturb or harm geologic formations, paleontological or archaeological features, or any animal. No person shall willfully or negligently pick, injure or destroy any tree or plant. The authority to apply park rules and regulations addressing the collection or harvest of plants and animals in tidal and subtidal areas leased to DPR is limited by provisions in individual leases. (Cal. Code of Regs. 4305, 4306, and 4307)

#### Location of Designated Sites

State Reserves may be established in the terrestrial or underwater environments of the state.

#### **State Parks**

##### Administrative and Statutory Authority and Reference

General authority for management is provided in Public Resources Code Section 5003, unit classification is provided for in Public Resources Code Section 5019.50 and specific language for State Parks is in Public Resources Code Section 5019.53.

##### Public Resources Code

5019.53. State Parks consist of relatively spacious areas of outstanding scenic or natural character, oftentimes also containing significant historical, archaeological, ecological, geological, or other such values. The purpose of State Parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of such ecological regions of California as the Sierra Nevada, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains. Each State Park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established. Improvements undertaken within State Parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for recreational activities including, but not limited to, camping, picknicking, sightseeing, nature study, hiking, and horseback riding, so long as such

improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within State Parks. State Parks may be established in either the terrestrial or underwater environments of the state.

#### Classification Intent

The purpose of units classified as a State Park is to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California. State Parks consist of relatively spacious areas of outstanding scenic or natural character, oftentimes also containing significant historical, archaeological, ecological, geological, or other such values. State Parks are to be managed as a composite whole in order to restore, protect, and maintain native environmental complexes to the extent compatible with the primary purpose for which the particular park was established.

#### Designation Process and Authority

The Park and Recreation Commission, under recommendation from DPR, classifies or designates these areas through a public planning process as prescribed in Public Resources Code Section 5002.3. The Commission holds public hearings in close proximity to the affected area.

#### Responsible Agency

DPR conducts day-to-day management activities, such as visitor contact and enforcement. Management presence is provided mainly through onshore State Park staff, although park patrol and rescue vessels are available at some locations. DFG also provides periodic enforcement and has broad statutory responsibility for management of marine life.

#### Regulations

No person shall disturb or harm geologic formations, paleontological or archaeological features, or any animal, except that fish and bait may be taken, other than for commercial purposes in accordance with state laws and regulations. No person shall willfully or negligently pick, injure or destroy any tree or plant, except in specific units when authorization is given by the Department to take a limited quantity of wild berries, mushrooms, pine cones or driftwood. (California Code of Regulations Sections 4305, 4306, and 4307) . The authority to apply park rules and regulations addressing the collection or harvest of plants and animals in tidal and subtidal areas leased to the Department is limited by provisions in individual leases.

Only facilities to make areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations may be provided. Improvements may be undertaken to provide for recreational activities including, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the

public's enjoyment of the natural, scenic, cultural, or ecological resources, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, are not to be undertaken within units classified as State Parks.

#### Location of Designated Sites

Units classified as State Parks may be established in the terrestrial or underwater areas of the state.

#### **Historical Units**

##### Administrative and Statutory Authority and Reference

General authority for management is provided in Public Resources Code Section 5003, unit classification is provided for in Public Resources Code Section 5019.50 and specific language for state Historical Units is in Public Resources Code Section 5019.59.

##### Public Resources Code

5019.59. Historical Units, to be named appropriately and individually, consist of areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. Such areas should be of sufficient size, where possible, to encompass a significant proportion of the landscape associated with the historical objects. The only facilities that may be provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate Historical Units. Upon approval by the State Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit. Certain agricultural, mercantile, or other commercial activities may be permitted if those activities are a part of the history of the individual unit and any developments retain or restore historical authenticity. Historical Units shall be named to perpetuate the primary historical theme of the individual units.

##### Classification Intent

The primary purpose of Historical Units is to preserve objects of historical, archaeological and scientific interest, archaeological sites and places commemorating important persons or historic events.

##### Designation Process and Authority

The Park and Recreation Commission, under recommendation from DPR, classifies or designates these areas through a public planning process as prescribed in Public Resources Code, Section 5002.3. The Park and Recreation Commission holds public hearings in close proximity to the affected area.

##### Responsible Agency

DPR conducts day-to-day management activities such as visitor contact and enforcement. Management presence is provided mainly through onshore State Park staff, although park

patrol and rescue vessels are available at some locations. DFG also provides periodic enforcement and has broad statutory responsibility for management of marine life.

### Regulations

No person shall disturb or harm geologic formations, paleontological or archaeological features, or any animal, except that fish and bait may be taken, other than for commercial purposes in accordance with state laws and regulations. No person shall willfully or negligently pick, injure or destroy any tree or plant, except in specific units when authorization is given by the Department to take a limited quantity of wild berries, mushrooms, pine cones or driftwood. (California Code of Regulations 4305, 4306, and 4307) . The authority to apply park rules and regulations addressing the collection or harvest of plants and animals in tidal and subtidal areas leased to DPR is limited by provisions in individual leases.

The only facilities that may be provided are those required for the safety, comfort, and enjoyment of visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval of the Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit. (Public Resources Code Section 5019.59)

### Location of Designated Sites

Sites are designated throughout the state in areas of sufficient size to encompass a significant portion of the landscape associated with the Historical Units.

### **State Recreation Units**

#### Administrative and Statutory Authority and Reference

General authority for management is provided in Public Resources Code, Section 5003, unit classification is provided for in Public Resources Code Section 5019.50, and specific language for State Recreation Units in Public Resources Code Section 5019.56 (includes State Recreation Areas and State Beaches and Public Resources Code Section 5090.43 for State Vehicular Recreation Areas). State Vehicular Recreation Areas are under the jurisdiction of the Off-Highway Motor Vehicle Recreation Commission (see subsection below).

#### Public Resources Code

5019.56. State Recreation Units consist of areas selected, developed, and operated to provide outdoor recreational opportunities. The units shall be designated by the commission by naming, in accordance with the provisions of Article 1 (commencing with Section 5001) and this article relating to classification. In the planning of improvements to be undertaken within State Recreation Units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics. State Recreation Units may be established in the terrestrial or underwater environments of the state and shall be further classified as one of the following types:

(a) State Recreation Areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. The areas shall be selected for their having terrain capable of withstanding extensive human impact and for their

proximity to large population centers, major routes of travel, or proven recreational resources such as manmade or natural bodies of water. Areas containing ecological, geological, scenic, or cultural resources of significant value shall be preserved within State Wildernesses, State Reserves, State Parks, or natural or Cultural Preserves. Improvements may be undertaken to provide for recreational activities, including, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, diving, winter sports, fishing, and hunting. Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within State Recreation Areas.

(b) Underwater Recreation Areas, consisting of areas in the underwater environment selected and developed to provide surface and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(c) State Beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal areas containing ecological, geological, scenic, or cultural resources of significant value shall be preserved within State Wildernesses, State Reserves, State Parks, or Natural or Cultural Preserves.

(d) Wayside Campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

#### Classification Intent

State Recreation Units are established to provide outdoor recreational opportunities.

#### Designation Process and Authority

The Park and Recreation Commission, under recommendation from DPR, classifies or designates these areas through a public planning process as prescribed in Public Resources Code Section 5002.3. The Park and Recreation Commission holds public hearings in close proximity to the affected area. The Off-Highway Motor Vehicular Recreation Commission has a similar process for the State Vehicular Recreation Areas.

#### Responsible Agency

DPR conducts day-to-day management activities such as visitor contact and enforcement. Management presence is provided mainly through onshore State Park staff, although park patrol and rescue vessels are available at some locations. DFG also provides periodic enforcement and has broad statutory responsibility for management of marine life.

#### Regulations

No person shall disturb or harm geologic formations, paleontological or archaeological features, or any animal, except that fish and bait may be taken, other than for commercial purposes in accordance with state laws and regulations. No person shall willfully or negligently pick, injure or destroy any tree or plant, except in specific units when authorization is given by the Department to take a limited quantity of wild berries, mushrooms, pinecones or driftwood. (California Code of Regulations 4305, 4306, and 4307) . The authority to apply park rules and regulations addressing the collection or harvest of plants and animals in tidal and subtidal areas leased to DPR is limited by provisions in individual leases.

Facility improvements in State Beaches and State Recreation Areas are undertaken to provide for recreational activities, including, but not limited to, camping, picnicking, swimming, boating, diving, fishing, and hunting. Improvements to provide for urban or indoor, formalized recreational activities are normally not permitted. Significant ecological or cultural resource areas within State Recreation Areas are provided special protection either through use restrictions or through subclassification as a Natural or Cultural Preserve. (Public Resources Code Section 5019.53)

#### Location of Designated Sites

State Recreation Areas are areas selected, developed and operated to provide outdoor recreational opportunities. They may be established in the terrestrial or underwater areas of the state.

- *State Beaches* - areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities.

- *State Recreation Areas* - areas that provide multiple recreation opportunities to meet other than purely local needs, have terrain capable of withstanding extensive human impact, and are close to large urban centers, major routes of travel, or proven recreational resources, such as manmade or natural bodies of water. Improvements may be undertaken to provide for recreational activities, including, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, water-skiing, diving, winter sports, fishing, and hunting. Improvements to provide for urban or indoor, formalized recreational activities shall not be undertaken within State Recreation Areas.

- *Underwater Recreation Areas* - areas selected and developed to provide surface and subsurface water-oriented recreation opportunities, while preserving basic resource values for present and future generations. No State Park System unit has yet been classified as an Underwater Recreation Area.

- *Wayside Campgrounds* - relatively small areas suitable for overnight camping and offering convenient access to major highways.

#### *State Vehicular Recreation Areas*

##### Administrative and Statutory Authority and Reference

General authority for management is provided in Public Resources Code Section 5003, unit classification is provided for in Public Resources Code Section 5019.50, and specific language Public Resources Code Sections 5090.01-5090.70.

#### Public Resource Code

5090.01. This chapter shall be known and may be cited as the Off-Highway Motor Vehicle Recreation Act of 1988.

5090.02. (a) The Legislature finds that off-highway motor vehicles are enjoying an ever-increasing popularity in California and that the indiscriminate and uncontrolled use of those

vehicles may have a deleterious impact on the environment, wildlife habitats, native wildlife, and native flora.

(b) The Legislature hereby declares that effectively managed areas and adequate facilities for the use of off-highway vehicles and conservation and enforcement are essential for ecologically balanced recreation.

(c) Accordingly, it is the intent of the Legislature that:

(1) Existing off-highway motor vehicle recreational areas, facilities, and opportunities be expanded and be managed in a manner consistent with this chapter, in particular to maintain sustained long-term use.

(2) New off-highway motor vehicle recreational areas, facilities, and opportunities be provided and managed pursuant to this chapter in a manner that will sustain long-term use.

(3) When areas or trails or portions thereof cannot be maintained to appropriate established standards for sustained long-term use, they shall be closed to use and repaired, to prevent accelerated erosion. Those areas shall remain closed until they can be managed within the soil loss standard or shall be closed and rehabilitated.

(4) Prompt and effective implementation of the Off-Highway Motor Vehicle Recreation Program by the Division of Off-Highway Motor Vehicle Recreation shall have an equal priority among other programs in the department.

(5) Off-highway motor vehicle recreation be managed in accordance with this chapter through financial assistance to local government and joint undertakings with agencies of the United States.

5090.10. "Conservation" means activities, practices, and programs that sustain soils, plants, wildlife, and their habitat in accordance with the standards adopted pursuant to Section 5090.35.

5090.11. "Rehabilitation" means, upon closure of the unit or any portion thereof, the restoration of land to the contours, the plant communities, and the plant covers comparable to those on surrounding lands or at least those which existed prior to off-highway motor vehicle use.

5090.12. (a) The Secretary of the Resources Agency shall prepare and submit an environmental review on the implementation of this chapter to the Assembly Committee on Natural Resources, the Senate Committee on Natural Resources and Wildlife, and the Committee on Appropriations of each house on or before January 1, 1998, and every five years thereafter.

(b) The Legislature shall appropriate, from the Off-Highway Vehicle Trust Fund, created pursuant to Section 38225 of the Vehicle Code, an amount equal to the cost of preparing the review required by subdivision (a).

5090.15. There is in the department the Off-Highway Motor Vehicle Recreation Commission, consisting of seven members, three of whom shall be appointed by the Governor, two of whom shall be appointed by the Senate Committee on Rules, and two of whom shall be appointed by the Speaker of the Assembly. In order to be appointed to the commission, a nominee shall represent one or more of the following groups: (a) Off-highway vehicle recreation groups. (b) Biological scientists. (c) Groups or associations of predominantly

rural landowners. (d) Soil scientists. (e) Environmental protection organizations. Whenever any reference is made to the State Park and Recreation Commission pertaining to a duty, power, purpose, responsibility, or jurisdiction of the State Park and Recreation Commission with respect to the State Vehicular Recreation Area and Trail System, as established by this chapter, it shall be deemed to be a reference to, and to mean, the Off-Highway Motor Vehicle Recreation Commission. It is the intent of the Legislature that appointees to the commission represent all of the groups delineated in subdivisions (a) to (e), inclusive, to the extent possible.

5090.23. The commission shall establish policies for the guidance of the director and the division regarding all aspects of the system and the program.

5090.24. The commission has the following particular duties and responsibilities:

- (a) Be fully informed regarding all governmental activities affecting the program.
- (b) Meet from time to time at various locations throughout the state to receive comments on the implementation of the program.
- (c) Consider, upon the request of any owner or tenant, whose property is in the vicinity of any land in the system, any alleged adverse impacts occurring on that person's property from the operation of off-highway motor vehicles and recommend to the division suitable measures for the prevention of any adverse impact determined by the commission to be occurring, and suitable measures for the rehabilitation of adversely impacted property.
- (d) Review and comment annually to the director on the proposed budget of expenditures from the fund.
- (e) Review and approve all minor and major capital outlay expenditures from the fund proposed for inclusion in the budget.
- (f) Review and make recommendations, after conducting at least one public hearing, to the director on the development of a model off-highway motor vehicle recreation safety program and eligibility criteria and procedures for a safety education local assistance grant program.
- (g) Report biennially to the Legislature, the Governor, appropriate agencies of government, off-highway motor vehicle users and user groups, and the general public regarding the status of the program, the condition of natural and cultural resources of areas and trails receiving state off-highway motor vehicle funds, and resolution of conflicts of use in those areas and trails, and the status of off-highway motor vehicle recreation generally. The report shall also include a summary of monitoring data compiled and rehabilitative work concluded during the preceding two years.

5090.25. The commission shall hold a public hearing in an area in close proximity to any proposed new acquisition or development project involving off-highway motor vehicles which generates significant controversy unless a hearing consistent with federal law or regulation is held in close proximity to the proposed project.

5090.30. There is in the department the Division of Off-Highway Motor Vehicle Recreation. Whenever any reference is made to the Office of Off-Highway Motor Vehicle Recreation, it shall be deemed to be a reference to, and to mean, the division. Section 507.1 does not apply to the division.

5090.31. The division shall be under the direction of a deputy director appointed by the director. The deputy director shall have no responsibilities other than directing and managing the division and the program.

5090.32. All of the following functions, duties, and responsibilities of the department shall be performed exclusively by the division:

- (a) The planning, acquisition, development, construction, and conservation and rehabilitation of lands in and for the system.
- (b) The direct management, maintenance, administration, and operation of lands in the system and the providing of law enforcement and appropriate public safety activities.
- (c) Management of the fund.
- (d) The implementation of all aspects of the program.
- (e) Ensuring program compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000)) in state vehicular recreation areas.

5090.33. The division has all of the following particular duties and responsibilities:

- (a) The implementation of the policies established by the commission.
- (b) Provision of staff assistance to the commission.
- (c) Preparation of plans for lands in, or proposed to be included in, the system; provided, however, that no plan shall be prepared in any instance specified in subdivision (c) of Section 5002.2.
- (d) The conduct of surveys and the preparation of studies that are necessary or desirable for implementing the program.
- (e) The recruitment and utilization of volunteers to further the program.
- (f) The preparation and coordination of safety education programs through grants, cooperative agreements, and contracts.
- (g) The auditing of grants, and the performance of any applicant in expending a grant, made pursuant to Article 5 (commencing with Section 5090.50).
- (h) Provision of the enforcement of Division 16.5 (commencing with Section 38000) of the Vehicle Code and other laws regulating the use or equipment of off-highway motor vehicles in areas acquired, maintained or operated by funds from the fund; however, the Department of the California Highway Patrol shall have responsibility for enforcement on highways.

5090.35. (a) The protection of public safety, the appropriate utilization of lands in the system, and the conservation of land resources in the system are of the highest priority in the management of the system; and, accordingly, the division shall promptly repair and continuously maintain areas and trails, anticipate and prevent accelerated and unnatural erosion, and restore lands damaged by erosion to the extent possible.

(b) Notwithstanding Section 5090.23, the department, in consultation with the United States Soil Conservation Service, the United States Forest Service, the Bureau of Land Management, and the Department of Conservation shall adopt a generic soil loss standard by January 1, 1991, at least sufficient to allow rehabilitation of off-highway motor vehicle areas and trails. Requirements of this chapter which are dependent upon the adoption of this soil loss standard shall not become operative until the standard is adopted. The department shall also make an inventory of wildlife populations and their habitats in each area in the system and shall prepare a wildlife habitat protection program to sustain a viable species composition specific to each area, by July 1, 1989.

(c) The division shall monitor the condition of soils and wildlife habitat in each area of the system each year in order to determine whether the soil loss standards and habitat protection plans are being met.

(d) Upon a determination that the soil loss standard and habitat protection plans are not being met in any area in the system, the department shall direct the division to close temporarily and repair, to prevent accelerated erosion, that area, or portion thereof funded by the Off-Highway Vehicle Fund, until the soil loss standard and habitat protection plans are capable of being met.

(e) Upon a determination that the soil loss standard and habitat protection plans cannot be met in any area in the system, the department shall direct the division to close that area, or any portion thereof funded from the Off-Highway Vehicle Fund, and to reclaim and rehabilitate the area.

(f) The division may not fund trail construction unless it complies with the conservation specifications prescribed in subdivision (b). The division may not fund trail construction where conservation is not feasible.

5090.36. The division may enter into contracts with concessionaires and cooperative agreements with other public agencies, pursuant to procedures specified in this division, for the care and maintenance of lands in the system, including contracts for law enforcement services with public agencies having peace officer enforcement powers.

5090.40. (a) The system consists of areas and trails that are established primarily to provide facilities and recreational opportunities for the purposes of operating off-highway motor vehicles, as defined in Section 38006 of the Vehicle Code.

(b) The system shall be developed and maintained to sustain long-term use and shall be managed in a manner that is consistent with this chapter.

5090.43. (a) State vehicular recreation areas shall be established on lands where topographic features and associated recreational opportunities for off-highway motor vehicles are the important values and in accordance with the factors specified in Section 5090.35. Areas shall be developed, managed, and operated for the purpose of making the fullest public use of the outdoor recreational opportunities present, and the natural and cultural elements of the environment may be managed or modified to enhance the recreational experience consistent with the requirements of Section 5090.35.

(b) Lands shall be selected for acquisition for state vehicular recreation areas so as to minimize the need for establishing sensitive areas.

(c) After January 1, 1988, no new cultural or natural preserves or state wildernesses shall be established within state vehicular recreation areas. To protect natural and cultural values, sensitive areas within state vehicular recreation areas may be designated by the department if the Off-Highway Motor Vehicle Recreation Commission holds a public hearing and makes a recommendation therefor. These sensitive areas shall be managed in accordance with Sections 5019.71 and 5019.74, which define the purpose and management of natural and cultural preserves. If off-highway motor vehicle use results in damage to any natural or cultural values, appropriate measures shall be taken to protect these lands from any further damage. These measures may include the erection of physical barriers and shall include

the rehabilitation of the damage to natural resources and the repair of damage to cultural resources.

5090.44. State vehicular recreation trails shall consist of corridors which are designated and maintained for recreational travel by off-highway motor vehicles, which are not generally suitable or maintained for normal travel by conventional two-wheel drive vehicles, and which are designated for off-highway motor vehicle travel by the owner of, or other person or public entity having control over, the property traversed by the trail. State vehicular recreation trails may include lands designated and maintained as trailheads. State vehicular recreation trails shall be selected and managed in accordance with this chapter. Trails designated pursuant to this section may be known as the California Statewide Motorized Trail.

5090.45. Eminent domain shall not be exercised to acquire any interest in property for a state vehicular recreation trail by the department or any public agency that has entered into a cooperative agreement with the division.

5090.46. No owner or other person having legal control of property in the vicinity of any lands in the system is liable for any actions of any type resulting from, or caused by, the user of an off-highway motor vehicle who is trespassing on property outside the system; and no owner or other person having legal control of property in the vicinity of any lands in the system is liable for any one's actions of any type commenced on, or taking place within, the boundaries of lands in the system.

5090.70. This chapter shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2003, deletes or extends that date.

#### Classification Intent

To control the deleterious effects of off-highway motor vehicles (OHMV's) on the environment, wildlife habitats, native wildlife, and native flora, while maintaining sustained long term use of OHMV's in designated areas.

#### Designation Process and Authority

The Off-Highway Motor Vehicle Recreation Commission, under recommendation from the Division of Off-Highway Motor Vehicle Recreation (a division within DPR), classifies or designates these areas through a public planning process as prescribed in Public Resources Code Section 5002.3. The Off-Highway Motor Vehicle Recreation Commission holds public hearings in close proximity to the affected area. The OHMVR program consists of 3 distinct parts; 1) State Vehicular Recreation Areas (SVRAs); 2) Federal & local government OHV areas and trails being supported by the OHV Fund; and 3) The Statewide Motorized Trail System (SMTS).

#### Responsible Agency

The Division of Off-Highway Motor Vehicle Recreation is responsible for all aspects of implementation and management of the system and its units.

### Regulations

No person shall disturb or harm geologic formations, paleontological or archaeological features, or any animal, except that fish and bait may be taken, other than for commercial purposes in accordance with state laws and regulations. No person shall willfully or negligently pick, injure or destroy any tree or plant, except in specific units when authorization is given by the Department to take a limited quantity of wild berries, mushrooms, pine cones or driftwood. (California Code of Regulations Sections 4305, 4306, and 4307)

The division shall monitor the condition of soils and wildlife habitat in each area of the system each year in order to determine whether the soil loss standards and habitat protection plans are being met. (Public Resources Code Section 5090.35)

### Location of Designated Sites

Lands shall be selected for acquisition for state vehicular recreation areas where topographic features and associated recreational opportunities for off-highway motor vehicles are the primary values. There are currently seven State Vehicular Recreation Areas throughout California, one of which is located on the coast (Oceano Dunes State Vehicular Recreation Area).

### **Natural Preserves -- a subunit classification**

#### Administrative and Statutory Authority and Reference

General authority for management is provided in Public Resources Code Section 5003, unit classification is provided for in Public Resources Code Section 5019.50 and specific language for Natural Preserves in Public Resources Code Section 5019.71.

#### Public Resources Code

5019.71. Natural Preserves consist of distinct areas of outstanding natural or scientific significance established within the boundaries of other State Park system units. The purpose of Natural Preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Areas set aside as Natural Preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a practicable management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations which constitute the basis for the establishment of the Natural Preserve.

### Classification Intent

The purpose of Natural Preserves is to preserve rare or endangered plant and animal species and supporting ecosystems, representative examples of native plant or animal communities, geological features, significant fossil occurrences or topographic features illustrative of representative or unique biogeographical patterns. Natural Preserves consist

of distinct areas of outstanding natural or scientific significance established within the boundaries of other State Park system units.

#### Designation Process and Authority

The Park and Recreation Commission, under recommendation from DPR, classifies or designates these areas through a public planning process as prescribed in Public Resources Code, Section 5002.3. The Park and Recreation Commission holds public hearings in close proximity to the affected area.

#### Responsible Agency

DPR conducts day-to-day management activities such as visitor contact and enforcement. Management presence is provided mainly through onshore State Park staff, although park patrol and rescue vessels are available at some locations. DFG also provides periodic enforcement and has broad statutory responsibility for management of marine life.

#### Regulations

No person shall disturb or harm geologic formations, paleontological or archaeological features, or any animal, except that fish and bait may be taken, other than for commercial purposes in accordance with state laws and regulations. No person shall willfully or negligently pick, injure or destroy any tree or plant, except in specific units when authorization is given by the Department to take a limited quantity of wild berries, mushrooms, pine cones or driftwood (California Code of Regulations Sections 4305, 4306, and 4307). The authority to apply park rules and regulations addressing the collection or harvest of plants and animals and use of motor boats in tidal and subtidal areas leased to DPR is limited by provisions in individual leases.

No person shall operate a motor vehicle, motor boat or aircraft within the boundaries of a Natural Preserve (California Code of Regulations 4351).

Habitat manipulation is permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations that constitute the basis for the establishment of the Natural Preserve. (Public Resources Code Section 5019.71)

#### Location of Designated Sites

Natural Preserves are subunits of other State Park System units. Areas set aside as Natural Preserves are to be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide in all cases a practical management unit.

#### **Cultural Preserves -- a subunit classification**

##### Administrative and Statutory Authority and Reference

General authority for management is provided in Public Resources Code Section 5003, unit classification is provided for in Public Resources Code Section 5019.50 and specific language for Cultural Preserves in Public Resources Code Section 5019.74.

### Public Resources Code

5019.74. Cultural Preserves consist of distinct areas of outstanding cultural interest established within the boundaries of other State Park system units for the purpose of protecting such features as sites, buildings, or zones which represent significant places or events in the flow of human experience in California. Areas set aside as Cultural Preserves shall be large enough to provide for the effective protection of the prime cultural resources from potentially damaging influences, and to permit the effective management and interpretation of the resources. Within Cultural Preserves, complete integrity of the cultural resources shall be sought, and no structures or improvements which conflict with such integrity shall be permitted.

### Classification Intent

The purpose of Cultural Preserves is to protect such features as sites, buildings, or zones which represent significant places or events in the flow of human experience in California. Cultural Preserves consist of distinct areas of outstanding cultural interest established within the boundaries of other State Park system units.

### Designation Process and Authority

The Park and Recreation Commission, under recommendation from the DPR, classifies or designates these areas through a public planning process as prescribed in Public Resources Code Section 5002.3. The Park and Recreation Commission holds public hearings in close proximity to the affected area.

### Responsible Agency

DPR conducts day-to-day management activities such as visitor contact and enforcement. Management presence is provided mainly through onshore State Park staff, although park patrol and rescue vessels are available at some locations. DFG also provides periodic enforcement and has broad statutory responsibility for management of marine life.

### Regulations

No person shall disturb or harm geologic formations, paleontological or archaeological features, or any animal, except that fish and bait may be taken, other than for commercial purposes in accordance with state laws and regulations. No person shall willfully or negligently pick, injure or destroy any tree or plant, except in specific units when authorization is given by the Department to take a limited quantity of wild berries, mushrooms, pine cones or driftwood. (California Code of Regulations Sections 4305, 4306, and 4307) Complete integrity of the cultural resources is sought, and no structures or improvements are permitted that conflict with such integrity. The authority to apply park rules and regulations addressing the collection or harvest of plants and animals in tidal and subtidal areas leased to DPR is limited by provisions in individual leases. (Public Resources Code Section 5019.74)

### Location of Designated Sites

Cultural Preserves are subunits of other State Park System units. Areas set aside as Cultural Preserves are to be large enough to provide for the effective protection of the prime

cultural resources from potentially damaging influences, and to permit the effective management and interpretation of resources.

### **State Wildernesses -- a subunit classification**

#### Administrative and Statutory Authority and Reference

General authority for management is provided in Public Resources Code Section 5003, unit classification is provided for in Public Resources Code Section 5019.50 and specific language for State Wildernesses in Public Resources Code Sections 5019.68, 5093.33 and 5093.34.

#### Public Resources Code

5019.68. State Wildernesses, in contrast with those areas where man and his own works dominate the landscape, are hereby recognized as areas where the earth and its community of life are untrammelled by man and where man himself is a visitor who does not remain. A State Wilderness is further defined to mean an area of relatively undeveloped state-owned or leased land which has retained its primeval character and influence or has been substantially restored to a near-natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds, or structures which existed at the time of classification of the area as a State Wilderness and which the State Park and Recreation Commission has determined may be maintained and used in a manner compatible with the preservation of the wilderness environment, or primitive latrines, which is protected and managed so as to preserve its natural conditions, and which:

(a) Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

(b) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(c) Consists of at least 5,000 acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.

(d) May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. State Wildernesses may be established within the boundaries of other State Park system units.

5093.33. (a) There is hereby established a California Wilderness Preservation System to be composed of state-owned areas designated by the Legislature as "Wilderness Areas" and units of the State Park system classified as "State Wildernesses" by the State Park and Recreation Commission pursuant to Article 1.7 (commencing with Section 5019.50) of Chapter 1, and these shall be administered for the use and enjoyment of the people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, provide for the protection of such areas, preserve their wilderness character, and provide for the gathering and dissemination of information regarding their use and enjoyment as wilderness. No state-owned areas shall be designated as "Wilderness Areas" except as provided for in this chapter or by subsequent legislative enactment.

(b) Notwithstanding the inclusion of an area within the system, a Wilderness Area shall continue to be subject to the jurisdiction of the state agency or agencies having jurisdiction

there over immediately prior to its inclusion in the system. The secretary shall adopt guidelines for the management of Wilderness Areas. Each state agency or agencies having jurisdiction over a Wilderness Area shall adopt regulations for the management of such areas consistent with the guidelines adopted by the secretary and the objectives of this chapter. Such regulations shall include provisions to protect endangered or rare native plant and animal species.

(c) A Wilderness Area, in contrast to those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. A Wilderness Area is further defined to mean an area of relatively undeveloped state-owned land which has retained its primeval character and influence or has been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds and primitive latrines, and which is protected and managed so as to preserve its natural conditions and which:

(1) Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

(2) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(3) Has at least 5,000 acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.

(4) May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

#### Classification Intent

State Wildernesses are administered for the use and enjoyment of people in such a manner as will leave the areas unimpaired for future use and enjoyment, preserve their wilderness character, and provide for the dissemination of information regarding their use and enjoyment as a wilderness.

#### Designation Process and Authority

The Park and Recreation Commission makes the State Wilderness designations.

#### Responsible Agency

DPR is responsible for management of designated units.

#### Regulations

No person shall disturb or harm geologic formations, paleontological or archaeological features, or any animal, except that fish and bait may be taken, other than for commercial purposes in accordance with state laws and regulations. No person shall willfully or negligently pick, injure or destroy any tree or plant, except in specific units when authorization is given by the Department to take a limited quantity of wild berries, mushrooms, pine cones or driftwood (California Code of Regulations 4305, 4306, and 4307). The authority to apply park rules and regulations addressing the collection or harvest of plants and animals and

use of motor boats in tidal and subtidal areas leased to DFG is limited by provisions in individual leases.

No person shall operate a motor vehicle, motor boat or aircraft within the boundaries of a State Wilderness (California Code of Regulations Section 4351).

#### Location of Designated Sites

State Wildernesses are designated in areas that have retained their primeval character and influence or have been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds, or structures which existed at the time of classification of the area as a State Wilderness. The areas furthermore:

- Appear generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.
- Have outstanding opportunities for solitude or a primitive and unconfined type of recreation.
- Consists of at least 5,000 acres of land, either by themselves or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable their preservation and use in an unimpaired condition.
- May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

#### **State Seashores**

The State Seashore term refers to both a zonal designation along the coast and a specific State Park System unit classification (Public Resources Code Sections 5001.95 and 5019.62, respectively). The zonal designation refers to large coastal zones established by the legislature. Many State Park System units lie within the boundaries of a designated State Seashore zone. However, no unit has been specifically classified as a State Seashore.

#### Administrative and Statutory Authority and Reference

State Seashore zones are established legislatively and described under Public Resources Code Section 5001.6. State Seashores units are authorized in Public Resources Code Sections 5019.50 and 5019.62

#### Public Resources Code

5019.62. State Seashores consist of relatively spacious coastline areas with frontage on the ocean, or on bays open to the ocean, including water areas seasonally connected to the ocean, possessing outstanding scenic or natural character and significant recreational, historical, archaeological, or geological values. State Seashores may include underwater areas within them, but may not be established solely in the underwater environment. The purpose of State Seashores shall be to preserve outstanding natural, scenic, cultural, ecological, and recreational values of the California coastline as an ecological region and to make possible the enjoyment of coastline and related recreational activities which are

consistent with the preservation of the principal values and which contribute to the public enjoyment, appreciation, and understanding of those values. Improvements undertaken within State Seashores shall be for the purpose of making the areas available for public enjoyment, recreation, and education in a manner consistent with the perpetuation of their natural, scenic, cultural, ecological, and recreational value. Improvements which do not directly enhance the public enjoyment of the natural, scenic, cultural, ecological, or recreational values of the seashore, or which are attractions in themselves, shall not be undertaken.

#### Classification Intent

The purpose of State Seashore zones is to provide special recognition to spacious coastline areas of outstanding natural, scenic, cultural, ecological and recreational value. The purpose of State Seashores is to preserve outstanding natural, scenic, cultural, ecological, and recreational values of the California coastline as ecological regions, and to make possible the enjoyment of coastline and related recreational activities which are consistent with preserving the principal values which contribute to public enjoyment, appreciation, and understanding of those values.

#### Designation Process and Authority

State Seashore zones and their boundaries have been established by the Legislature. The Park and Recreation Commission has the authority to designate State Seashore units under recommendation from DPR and through a public planning process as prescribed in Public Resources Code Section 5002.3.

#### Responsible Agency

There is no specific agency responsible for State Seashores. DPR would be responsible for State Park System units if they were to be designated as State Seashores.

#### Regulations

No special protection is provided lands within the zonal designation unless the lands have been acquired by the state and have been specifically classified as a State Seashore unit under the classification statutes.

Facility improvements may be undertaken within areas designated as State Seashore units for the purpose of making the areas available for public enjoyment, recreation, and education in a manner consistent with the perpetuation of their natural, scenic, cultural, ecological, and recreational value. Improvements which do not directly enhance the public enjoyment of the natural, scenic, cultural, ecological, or recreational values of the seashore, or which are attractions in themselves, are not to be undertaken. (Public Resources Code Section 5019.62)

#### Location of Designated Sites

State Seashores zones consist of relatively spacious coastline areas with frontage on the ocean, or on bays open to the ocean, including water areas seasonally connected to the ocean, possessing outstanding scenic or natural character and significant recreational, historical, archaeological, or geological values. Eleven stretches of coastline have been

designated by the Legislature as State Seashores. Units of the State Park System, including State Reserves, parks, or beaches, may be located within and be a part of, a State Seashore. State Seashores may include underwater areas, but may not be established solely in the underwater environment.

No units of the State Park System have been classified as State Seashores under the unit classification statutes.

## CALIFORNIA STATE LANDS COMMISSION

### State Coastal Sanctuary

#### Administrative and Statutory Authority and Reference

Chap. 970, Stats. 1994. Public Resources Code Sections 6240-6244 (AB 2444).

#### AB 2444, O'Connell. Coastal sanctuary: oil and gas.

(1) Existing law creates, until January 1, 2003, the California Coastal Sanctuary which includes all state waters subject to tidal influence from a line parallel to the southernmost boundary of tidelands surrounding the Farallon Islands north to the Oregon border, except for waters in the Sacramento-San Joaquin Delta situated east of the Carquinez Bridges. Existing law prohibits any state agency from entering into any new lease for the extraction of oil or gas from the sanctuary unless the President has found a severe energy supply interruption and has ordered distribution of the Strategic Petroleum Reserve pursuant to specified provisions, the Governor finds that the energy resources of the sanctuary will contribute significantly to the alleviation of that interruption, and the Legislature subsequently acts to amend these provisions. This bill would extend the sanctuary to include all state waters subject to tidal influence, except for waters subject to a lease for the extraction of oil or gas in effect on January 1, 1995, unless the lease is thereafter deeded or otherwise reverts to the state. The bill would delete other provisions which impose similar restrictions on leasing in state waters from the southern boundary of the proposed Monterey Bay National Marine Sanctuary north to a line parallel to the southernmost boundary of tidelands surrounding the Farallon Islands, but which authorize the State Lands Commission to enter into new leases under specified circumstances. The bill would make related changes.

(2) Existing law authorizes the commission to lease specified tide and submerged lands if the commission determines that oil or gas deposits are contained in those lands, those oil or gas deposits are being drained by means of wells upon adjacent lands, and the leasing of the land for oil or gas production is in the best interests of the state. This bill would repeal that provision and would instead authorize the commission to enter into a lease for the extraction of oil or gas from state-owned tide and submerged lands in the sanctuary if the commission determines that those deposits are being drained by means of producing wells upon adjacent federal lands and the lease is in the best interests of the state.

(3) Existing law authorizes the commission to modify the boundaries of existing leases to encompass all of a field partially contained within the existing lease subject to specified conditions. The bill would require, as additional conditions, that the commission finds that the number and size of existing offshore platforms will not be increased, except as specified, that the boundary adjustment will not require the construction or major modification of a refinery in this state, except as specified, and the boundary adjustment represents the environmentally least damaging feasible alternative for the extraction and production of affected resources. The bill would make a statement of legislative intent with regard to the authority of the commission.

### Public Resources Code

6240. This chapter shall be known, and may be cited, as the California Coastal Sanctuary Act of 1994.

6241. The Legislature hereby finds and declares that offshore oil and gas production in certain areas of state waters poses an unacceptably high risk of damage and disruption to the marine environment of the state.

6242. (a) A California Coastal Sanctuary is hereby created which includes all state waters subject to tidal influence, except as provided in subdivisions (b) and (c).

(b) The California Coastal Sanctuary shall not include any state waters subject to a lease for the extraction of oil or gas in effect on January 1, 1995, unless the lease is deeded or otherwise reverts to the state after that date.

(c) The California Coastal Sanctuary shall not include any state waters situated east of the Carquinez Bridges on Interstate 80.

6243. Notwithstanding any provision of Article 4 (commencing with Section 6870) of Chapter 3 of Part 2 or any other provision of law, no state agency or state officer shall enter into any new lease for the extraction of oil or gas from the California Coastal Sanctuary, unless the President of the United States has found a severe energy supply interruption and has ordered distribution of the Strategic Petroleum Reserve pursuant to Section 6241(d) of Title 42 of the United States Code, the Governor finds that the energy resources of the sanctuary will contribute significantly to the alleviation of that interruption, and the Legislature subsequently acts to amend this chapter to allow that extraction.

6244. The commission may enter into any lease for the extraction of oil or gas from state-owned tide and submerged lands in the California Coastal Sanctuary if the commission determines that those oil or gas deposits are being drained by means of producing wells upon adjacent federal lands and the lease is in the best interests of the state.

### Classification Intent

Prohibit oil and gas extraction from State waters subject to tidal influence. No other restrictions.

### Designation Process and Authority

Sanctuary was designated by legislative action.

### Responsible Agency

State Lands Commission

### Regulations

Prohibits any state agency from entering into a lease for the extraction of oil or gas in any state waters subject to tidal influence. (Public Resources Code Section 6243)

Location of Designated Sites

All State Tidelands and Submerged Lands along the California coast.

## STATE WATER RESOURCES CONTROL BOARD

### Areas of Special Biological Significance

#### Administrative and Statutory Authority and Reference

California State Water Resources Control Board (SWRCB) and California Regional Water Quality Control Board (RWQCB) Administrative Procedures, September 24, 1970, Section IX and Miscellaneous Rev. Section 13170 of the California Water Code (CWC) provides authority for SWRCB to prohibit or limit the discharge of waste to state waters following the provisions of CWC, Section 13243 ("A regional board, in a water quality control plan or in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted").

This authority was used by SWRCB to establish Areas of Special Biological Significance (ASBSs) in the California Ocean Plan and the Thermal Plan as areas that would be protected from changes in water quality by waste discharges. Procedures adopted in 1970 were revised in 1972 and 1974 for designating and managing ASBSs; Resolution No. 74-27 established the current procedures. Resolution No. 74-28 adopted the first set of ASBSs.

#### SWRCB Resolution 74-28

#### AUTHORIZING CHANGES IN THE ADMINISTRATIVE PROCEDURES MANUAL, CHAPTER XI MISCELLANEOUS, B DESIGNATION OF AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

#### WHEREAS:

1. The board has adopted water quality control plans for the control of wastes discharged to ocean waters.
2. These plans require the designation of Areas of Special Biological Significance to afford special protection for marine life to the extent that waste discharges are prohibited within the areas.
3. The plans have been submitted to the Environmental Protection Agency as a part of the interstate and coastal water quality standards.
4. The list of designated Areas of Special Biological Significance must be submitted to the Environmental Protection Agency.
5. The designated areas are to be incorporated into the basin water quality control plans being prepared by the regional water quality control boards.
6. The list of Areas of Special Biological Significance will be used to identify for planning purposes, those areas where the regional water quality control boards will prohibit waste discharges from all sources controlled within the authority of the Temperature Control Plan, recognizing that the Ocean Plan is not applicable to vessels wastes, the control of dredging, or the disposal for dredging spoil.

THEREFORE BE IT RESOLVED:

1. That the areas listed and described in "Areas of Special Biological Significance Designated by the State Water Resources Control Board", March 21, 1974, are designated as Areas of Special Biological Significance.
2. That the Executive Officer be authorized to prepare a list of designated Areas of Special Biological Significance with a legal boundary description and 8 1/2 x 11-inch map attached for each area, together with the amended Chapter XI Miscellaneous, B. entitled, "Designation of Areas of Special Biological Significance" from the Administrative Procedures Manual.
3. That the Executive Officer be directed to transmit a copy of the list of Areas of Special Biological Significance with the legal boundary descriptions to the Environmental Protection Agency.
4. That the Executive Officer be authorized to transmit a list of the designated Areas of Special Biological Significance with legal boundary descriptions and maps to the appropriate regional water quality control boards for their use in preparing basin water quality control plans and establishing waste discharge requirements.
5. That the staff should advise other agencies to whom the list of designated areas is to be provided that the basis for this action by the Board is limited to considerations related to the protection of marine life from wastewater discharges.
6. That the Executive Officer refer the following areas back to the appropriate regional boards for further hearing and recommendation:

Point Arena  
Terrace Point

North Coast Regional Board  
Central Coast Regional Board

California Water Code

13050. (i) "Water quality control" means the regulation of any activity or factor which may affect the quality of the waters of the state and includes the prevention and correction of water pollution and nuisance.

(j) "Water quality control plan" consists of a designation or establishment for the waters within a specified area of all of the following:

- (1) Beneficial uses to be protected.
- (2) Water quality objectives.
- (3) A program of implementation needed for achieving water quality objectives.

13170. The state board may adopt water quality control plans in accordance with the provisions of Sections 13240 to 13244, inclusive, insofar as they are applicable, for waters for which water quality standards are required by the Federal Water Pollution Control Act and acts amendatory thereof or supplementary thereto. Such plans, when adopted, supersede any regional water quality control plans for the same waters to the extent of any conflict.

13170.1. The state board shall consider all relevant management agency agreements, which are intended to protect a specific beneficial use of water, prior to adopting all water quality control plans pursuant to Section 13170.

13170.2. (a) The state board shall formulate and adopt a water quality control plan for ocean waters of the state which shall be known as the California Ocean Plan.

(b) The plan shall be reviewed at least every three years to guarantee that the current standards are adequate and are not allowing degradation to indigenous marine species or posing a threat to human health.

(c) In formulating the plan, the state board shall develop bioassay protocols to evaluate the effect of municipal and industrial waste discharges on the marine environment.

(d) The state board shall adopt the bioassay protocols and complementary chemical testing methods and shall require their use in the monitoring of complex effluent ocean discharges. For purposes of this section, "complex effluent" means an effluent in which all chemical constituents are not known or monitored. The state board shall adopt bioassay protocols and complementary chemical testing methods for complex effluent ocean monitoring by January 1, 1990, and shall require their use in monitoring complex effluent ocean discharges by entities discharging 100 million gallons per day or more by January 1, 1991. The state board shall also adopt a schedule for requiring the use of these protocols for complex effluent ocean discharges of under 100 million gallons per day by January 1, 1992.

13240. Each regional board shall formulate and adopt water quality control plans for all areas within the region. Such plans shall conform to the policies set forth in Chapter 1 (commencing with Section 13000) of this division and any state policy for water quality control. During the process of formulating such plans the regional boards shall consult with and consider the recommendations of affected state and local agencies. Such plans shall be periodically reviewed and may be revised.

13241. Each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the prevention of nuisance; however, it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses. Factors to be considered by a regional board in establishing water quality objectives shall include, but not necessarily be limited to, all of the following:

(a) Past, present, and probable future beneficial uses of water.

(b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.

(c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.

(d) Economic considerations.

(e) The need for developing housing within the region.

(f) The need to develop and use recycled water.

13242. The program of implementation for achieving water quality objectives shall include, but not be limited to:

- (a) A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private.
- (b) A time schedule for the actions to be taken.
- (c) A description of surveillance to be undertaken to determine compliance with objectives.

13243. A regional board, in a water quality control plan or in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted.

#### Classification Intent

ASBSs are designated in order to provide special protection to species or biological communities such that all point source discharges in an area are prohibited, including elevated temperature, sewage, or industrial wastes, except under special circumstances. Discharges from nonpoint sources are controlled to the extent practicable. There are several cases where an existing discharge was allowed to remain in an ASBS because a study of discharge alternatives yielded no feasible alternative.

Specifically, ASBSs are defined, pursuant to SWRCB Resolution No. 74-27 as "those areas designated by the State Water Resources Control Board in order to afford the maximum protection from possible damage caused by waste discharges controlled under the authority of the Temperature Plan and the Ocean Plan to species or biological communities of extraordinary even though unquantifiable value."

#### Designation Process and Authority

In the 1970's, immediately following the creation of this category of marine managed area, RWQCBs along the coast held public hearings to receive nominations for ASBSs. The nominations which were consistent with criteria previously established by SWRCB were recommended for designation. SWRCB held public hearings on the RWQCB nominations and designated 34 ASBSs. The list of ASBSs was approved by the U.S. Environmental Protection Agency and they are now included in the state water quality standards. No ASBS has been nominated or designated since that time. No management plans for these areas are required prior to or following designation. The current procedures for designation and the applicability of the designation are contained in Resolution No. 74-27 (see next page).

#### Responsible Agency

SWRCB has the primary responsibility for these areas, while the RWQCBs also maintain some responsibility. DFG is responsible for marine resources in these areas.

#### Regulations

The applicable provisions of Resolution No. 74-27 have been incorporated in the Ocean Plan and regional water quality control Plans (basin plans).

#### Location of Designated Sites

Designations are limited to ocean waters outside of enclosed bays and estuaries as defined in the Ocean Plan. A booklet is available from SWRCB that includes a list of ASBS and a map showing the boundaries of each ASBS.







## UNIVERSITY OF CALIFORNIA

### **Natural Reserves**

#### Administrative and Statutory Authority and Reference

None.

#### Classification Intent

The University of California Natural Reserve System (NRS) mission is to contribute to the understanding and wise management of the Earth and its natural systems by supporting university-level teaching, research, and public service at protected natural areas throughout California. Natural Reserves provide outdoor classrooms and laboratories for students, faculty, scientists, and other visitors.

#### Designation Process and Authority

In 1965, the Regents of the University of California established the Natural Land and Water Reserves System (subsequently renamed the "Natural Reserve System") that consisted of seven reserves. NRS has since expanded to include 33 reserves. The NRS Systemwide Office initially oversees a comprehensive, multi-campus evaluation of a proposed reserve. If a proposed site is thereafter deemed to be appropriate for inclusion in the system, the matter is submitted to certain committees of the Board of Regents for review. A Natural Reserve is designated by the Board of Regents when it accepts the committees' recommendations to do so.

#### Responsible Agency

Management activities are conducted by a designated UC campus, while overall administrative responsibilities reside with the UC Natural Reserve Systemwide Office, housed in the Office of the President, Division of Agriculture and Natural Resources.

#### Regulations

The NRS Systemwide Office establishes broad guidelines for research, education, and public outreach uses of the reserves consistent with University regulations and any other applicable laws or regulations. Recreational uses of terrestrial portions of most Natural Reserves are precluded. The campuses establish site-specific management plans for their Natural Reserves that address such issues as research protocols, conservation of natural resources, restoration, access control, and safety.

#### Location of Designated Sites

Ten of the UC Natural Reserves are coastal sites containing intertidal components. One (Scripps Coastal Reserve) contains a coastal subtidal component, and this Natural Reserve and two others (Bodega Marine Reserve and Landels-Hill Big Creek Reserve) are closely associated with adjacent subtidal protected areas that restrict harvest to promote University research and teaching.

## **CALIFORNIA WILDERNESS PRESERVATION SYSTEM**

### **Wilderness Areas**

#### Administrative and Statutory Authority and Reference

Public Resource Code 5093.30-5093.33. Designations are made under Public Resource Code 5093.34.

#### Public Resource Code

5093.30. This chapter shall be known and may be cited as the California Wilderness Act.

5093.31. In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas on state-owned lands within California, leaving no areas designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the State of California to secure for present and future generations the benefits of an enduring resource of wilderness.

5093.32. As used in this chapter:

- (a) "Roadless area" means a reasonably compact area of undeveloped land which possesses the general characteristics of a wilderness, as described in subdivision (c) of Section 5093.33, and within which there is no improved road that is suitable for public travel by motorized vehicles intended primarily for highway use.
- (b) "Secretary" means the Secretary of the Resources Agency.
- (c) "System" means the California wilderness preservation system.
- (d) "Wilderness Areas" means component areas of the system as described in Section 5093.33.

5093.33. (a) There is hereby established a California wilderness preservation system to be composed of state-owned areas designated by the Legislature as "Wilderness Areas" and units of the State Park system classified as "State Wildernesses" by the State Park and Recreation Commission pursuant to Article 1.7 (commencing with Section 5019.50) of Chapter 1, and these shall be administered for the use and enjoyment of the people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, provide for the protection of such areas, preserve their wilderness character, and provide for the gathering and dissemination of information regarding their use and enjoyment as wilderness. No state-owned areas shall be designated as "Wilderness Areas" except as provided for in this chapter or by subsequent legislative enactment.

(b) Notwithstanding the inclusion of an area within the system, a Wilderness Area shall continue to be subject to the jurisdiction of the state agency or agencies having jurisdiction there over immediately prior to its inclusion in the system. The secretary shall adopt guidelines for the management of Wilderness Areas. Each state agency or agencies having jurisdiction over a Wilderness Area shall adopt regulations for the management of such areas consistent with the guidelines adopted by the secretary and the objectives of this chapter. Such regulations shall include provisions to protect endangered or rare native plant and animal species.

(c) A Wilderness Area, in contrast to those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. A Wilderness Area is further defined to mean an area of relatively undeveloped state-owned land which has retained its primeval character and influence or has been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds and primitive latrines, and which is protected and managed so as to preserve its natural conditions and which:

(1) Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

(2) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(3) Has at least 5,000 acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.

(4) May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

5093.36. (a) Except as otherwise provided in this chapter, each state agency with jurisdiction over any area designated as a Wilderness Area shall be responsible for preserving the wilderness character of the Wilderness Area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this chapter, Wilderness Areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(b) Except as specifically provided in this chapter, and subject to private rights existing as of January 1, 1975, there shall be no commercial enterprise and no permanent road within any Wilderness Area and, except as necessary in emergencies involving the health and safety of persons within the Wilderness Area, there shall be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing or hovering of aircraft, no flying of aircraft lower than 2,000 feet above the ground, no other form of mechanical transport, and no structure or installation within any Wilderness Area.

(c) The following special provisions are hereby made:

(1) Within Wilderness Areas, such measures may be taken as may be necessary for the control of fire, insects, and diseases, subject to such conditions as the state agency or agencies having jurisdiction over such Wilderness Areas may deem desirable.

(2) Nothing in this chapter shall prevent any activity by any public agency within a Wilderness Area, including prospecting, for the purpose of gathering information about mineral or other resources, which the state agency or agencies having jurisdiction over such Wilderness Area have determined will be carried on in a manner compatible with the preservation of the wilderness environment.

(3) The state agency or agencies having jurisdiction over Wilderness Areas may authorize the collection of hydrometeorological data and the conduct of weather modification activities,

including both atmospheric and surface activities and environmental research, which are within, over, or may affect Wilderness Areas and for such purposes may permit access, installation, and use of equipment which is specifically justified and unobtrusively located. Maximum practical application of miniaturization, telemetry, and camouflage shall be employed in conducting weather modification activities. In granting permission for the conduct of data collection and weather modification activities, the appropriate state agency may prescribe such operating and monitoring conditions as it deems necessary to minimize or avoid long-term and intensive local impact on the wilderness character of the Wilderness Areas affected.

(4) Within Wilderness Areas, the grazing of livestock, where established prior to January 1, 1975, may be permitted to be continued by the present lessee or permittee subject to limitation by such terms and regulations as are deemed necessary by the state agency or agencies having jurisdiction over such Wilderness Areas.

(5) The provisions of this chapter shall not apply to the aerial stocking of fish or to the conduct of aerial surveys of wildlife species.

5093.37. (a) In any case where privately owned land is completely surrounded by Wilderness Areas, the private owner may acquire from the state a reasonable means of ingress and egress across Wilderness Areas from highways and roads to such land and from such land to highways and roads.

(b) Application from such a private owner for ingress and egress shall be made to the administering state agency. When application for ingress and egress is received, the administering state agency shall determine whether any reasonable access exists outside the boundaries of the Wilderness Area or could be economically constructed.

(c) Where reasonable access does not exist or cannot be economically constructed outside the boundaries of the Wilderness Area, the administering state agency shall grant a permit for right-of-way across the Wilderness Area over such route, and subject to such conditions and construction and maintenance specifications, as the administering state agency may determine will cause minimum alteration to the physical features of the Wilderness Area and minimum interference with the use of the Wilderness Area by the public.

(d) The permittee shall, at his own expense, construct and maintain the means of ingress and egress in accordance with the terms and conditions set forth in the permit, noncompliance with which in any part shall be due cause for revocation of the permit.

(e) The administering state agency may require a permittee to allow the use of such means of ingress and egress by other applicants whose lands are similarly situated. The administering state agency shall grant a permit for such use under terms and conditions imposed upon existing users, upon payment of a reasonable compensation for construction and maintenance of the road, by the applicant to the existing permittee.

(f) Subject to the appropriation of funds by the Legislature, the state agency or agencies having jurisdiction over such Wilderness Areas may acquire privately owned land within the perimeter of any area designated by this chapter as a Wilderness Area.

(g) The state agency or agencies having jurisdiction over such Wilderness Areas may accept gifts or bequests of land within or contiguous to Wilderness Areas. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this chapter, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

### Classification Intent

Wilderness Areas are administered for the use and enjoyment of people in such a manner as will leave them unimpaired for future use and enjoyment as a wilderness, provide for the protection of such areas, preserve their wilderness character, and provide for the gathering and dissemination of information regarding their use and enjoyment as a wilderness.

### Designation Process and Authority

Designations are made legislatively.

### Responsible Agency

Units remain in the jurisdiction of the State agency having jurisdiction immediately prior to inclusion in the system.

### Regulations

Areas must be managed and protected so as to preserve their natural conditions. The Secretary for Resources shall adopt guidelines for the management of Wilderness Areas. Each state agency or agencies having jurisdiction over a Wilderness Area shall adopt regulations for the management of such areas consistent with the guidelines adopted by the Secretary. Such regulations shall include provisions to protect endangered or rare native plant and animal species. (Public Resource Code 5093.33)

### Location of Designated Sites

Wilderness Areas are designated on relatively undeveloped state-owned land which has retained its primeval character and influence or has been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds, or structures which existed at the time of classification of the area as a Wilderness Area. Site selection is based on an evaluation of the following site characteristics:

- Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.
- Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.
- Consists of at least 5,000 acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.
- May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

**\*\*State Wildernesses - see Department of Parks and Recreation section above**

## STATE ESTUARIES

### **Morro Bay and San Diego Bay**

#### Administrative and Statutory Authority and Reference

AB 640 (Seastrand) Chapter 52, Stats. 1994, Public Resource Code 28000-28007.

#### AB 640, Seastrand

(1) Existing law does not provide specifically for the protection of Morro Bay and its watershed or San Diego Bay. This bill would designate Morro Bay and San Diego Bay as a State Estuary, as defined, and would designate Morro Bay and its watershed as a State Estuary planning area. The bill would require the California Environmental Protection Agency to convene the Morro Bay Management Plan Task Force, which may include specified agencies and persons, to develop a management plan for Morro Bay and its watershed. The Central Coast Regional Water Quality Control Board would be utilized to carry out initial administrative functions of the task force, including selecting a temporary chairperson. The task force would be required to submit the plan to specified local agencies for approval, thereby imposing a state-mandated local program, and, on or before July 1, 1997, to submit the plan to the Legislature. On and after July 1, 1997, the task force would be required, on an ongoing basis, to make recommendations to the agency regarding the need for any revisions in the plan. The task force would terminate as of June 30, 2007.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

#### Public Resource Code

28001. It is the intent of the Legislature in enacting this division to do all of the following:

- (a) Recognize the importance of preserving and enhancing Morro Bay and its watershed as one of the state's rare natural treasures.
- (b) Recognize the importance of commercial enterprises in and around Morro Bay to the economic and employment base of the area.
- (c) Authorize the development of a management plan for Morro Bay and its watershed that will protect its natural attributes in balance with the maintenance and enhancement of human activity and enterprise in the bay and its watershed.
- (d) Provide a basis for public agencies which have jurisdiction over parts of, or over activities within, the bay and its watershed, to carry out the management plan.
- (e) Encourage federal agencies and nongovernmental groups to support the accomplishment of these purposes.
- (f) Provide for continuing current legal uses in the bay and its watershed.

28002. For purposes of this division, the following terms have the following meanings:

- (a) "Agency" means the California Environmental Protection Agency.
- (b) "Bay" means Morro Bay and its watershed.
- (c) "Plan" means the Morro Bay management plan developed pursuant to this division.

(d) "State Estuary" means a saltwater bay or body of water and its watershed within the state where freshwater streams enter, that supports beneficial human uses and wildlife and merits high-priority action for preservation.

28003. Morro Bay and San Diego Bay are each hereby designated a State Estuary. Morro Bay and its watershed are hereby designated a State Estuary planning area.

#### Classification Intent

In 1990, the State Legislature adopted Assembly Concurrent Resolution 118 (Resolution Chapter 58 of the Statutes of 1990), which recognized the need to develop and carry out a management plan for Morro Bay and its watershed. AB 640 designated Morro Bay and San Diego Bay as State Estuaries and identified Morro Bay and its watershed as a State Estuary planning area. The anticipated renewal and revisal of the federal Clean Water Act (33 U.S.C. Sec. 1250 et seq.) to include funding for watershed management further motivated the State Estuaries designation, under the assumption that a state designation would increase the likelihood that congress would allocate federal funds for Morro Bay management planning. Although the San Diego Bay State Estuary was also created by the Legislature with the intent of making the site more appealing for a federal designation, there was not sufficient local support for a federal estuary. The site was therefore never nominated for a federal designation.

#### Responsible Agency

The California Environmental Protection Agency was mandated to convene the Morro Bay Management Plan Task Force, while the Central Coast Regional Water Quality Control Board would be utilized to carry out initial administrative functions of the task force.

#### Designation Process and Authority

Both areas were legislatively designated.

#### Regulations

Morro Bay was designated a National Estuary in 1996, effectively fulfilling the intent of the State designation. As such, no regulations were ever set forth for the Morro Bay State Estuary. Although the San Diego Bay State Estuary designation was also intended to encourage federal designation, there was never sufficient local support to propose a federal designation. There has been a great deal of planning for the San Diego Bay Area, but no regulations exist that relate specifically to the State Estuary designation.

#### Location of Designated Sites

The State Estuaries are located in San Diego Bay and Morro Bay.